



**2020/0361(COD)**

8.7.2021

# **AMENDMENTS**

## **1012 - 1301**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

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

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))



**Amendment 1012**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**

**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

**Trusted flaggers**

- 1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided immediately, without prejudice to the implementation of a complaint and redress mechanism.**
- 2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any entities, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions, without prejudice to the implementation of a complaint and redress mechanism:**
  - (a) it has particular expertise and competence, for the purposes of detecting, identifying and notifying illegal content;**
  - (b) it represents collective interests including general interest to prevent or provide redress for infringements of Union law and is independent from any online platform;**
  - (c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner, and it is independent.**
- 3. The conditions set in paragraph 2 shall allow trusted flaggers' notifications to be sufficient for immediate removal or disabling of the content notified by them.**

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

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

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

**7. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. The Digital Services Coordinator may take into account any evidence according to which the entity would have used its status to distort competition. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.**

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

Or. en

**Amendment 1013  
Karen Melchior**

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

*Text proposed by the Commission*

*Amendment*

**Article 13a**

**Fair consent choice screens**

**1. Providers of intermediary services that ask the recipients of their service for consent as required by Regulation 2016/679 to collect or process personal data concerning them shall ensure that the end user choice screens shown to that end are designed in a fair and neutral manner and do not in any way subvert or impair user autonomy, decision-making, or choice via the choice screens' structure, function or manner of operation.**

**In particular, providers shall refrain from:**

**(a) giving more visual prominence to any of the consent options when asking the recipient of the service for a decision; (b) repeatedly requesting that a recipient of the service consents to data processing, regardless of the scope of purpose of such processing, especially by presenting a pop-up that interferes with user experience;**

**(b) urging a recipient of the service to change any setting or configuration of the service after the person in question has already made her choice, including by the**

*use of a technical standard in accordance with paragraph 4;*

*(c) making the procedure of cancelling a service more cumbersome than signing up to it.*

*2. The Commission may adopt implementing acts to prescribe binding design aspects and functions of consent choice screens that fulfil the requirements of paragraph 1.*

*3. Providers of intermediary services shall accept the communication of consent choices made by the recipient of the service through automated means, including through standardised digital signals sent by the recipient's software used to access the service such as web browsers and operating systems.*

*4. The Commission shall promote and facilitate the development of technical standards for the automated communication of consent choices through international and EU standardisation bodies. Where standardisation bodies fail to develop a workable technical standard, the Commission shall, not later than two years after entry into force of this Regulation, designate a binding technical standard for the purpose of paragraph 3.*

Or. en

**Amendment 1014**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

*Article 13a*

*Online interface design*

1. *The use of dark patterns by providers of intermediary services when presenting options to or interacting with recipients of the service through their online interfaces is prohibited.*
2. *A choice or decision made by the recipient of the service using online interfaces that do not comply with the requirements of paragraph 1 shall not constitute consent.*
3. *The Agency shall publish official guidelines including a list of specific design patterns that qualify as subverting or impairing the autonomy, decision making, or choice of the recipients of the service. The Agency shall keep this list updated in the light of technological developments and, in the case of very large online platforms, assessments related to systemic risks identified in accordance with Article 27(2).*

Or. en

#### *Justification*

*In line with the definition in Article 2. The use of dark patterns should be prohibited for all intermediary services as all recipients of intermediary services should be equally protected from being manipulated into making choices or setting their preference to their own detriment and to the benefit of the service. At the same time, ensuring free, autonomous choice protects fair competition as well as consumer welfare. Finally, such a prohibition creates trust in the digital world, as it takes away the fear of being steered by manipulative practices*

#### **Amendment 1015**

**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Marc Angel, Christel Schaldemose, Maria Grapini, Petra Kammerevert, Biljana Borzan, Brando Benifei, Monika Beňová**

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

*Text proposed by the Commission*

*Amendment*

#### *Article 13a*

*Display of the identity of business users*

**1. A provider of intermediary services shall ensure that the identity of the business user providing content, goods or services is clearly visible alongside the content, goods or services offered.**

**2. For this purpose, a provider of intermediary services shall establish a standardized and mandatory interface for business users. A content, good or service shall only be displayed to users, if the necessary contact information is made available.**

**3. A provider of intermediary services shall on a regular basis conduct checks on the information provided by a business user in accordance with paragraph (2).**

Or. en

#### *Justification*

*In order to use their rights, consumers need to have clear and easily accessible ways of getting in contact with traders. This provision aims at establishing a better overview for consumers and transfers obligations to the providers of intermediary services.*

**Amendment 1016**  
**Marc Angel, Christel Schaldemose**

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

*Text proposed by the Commission*

*Amendment*

#### **Article 13a**

##### **Remedies for consumers**

**Consumers harmed by practices contrary to this Regulation shall have access to proportionate and effective remedies, including compensation for damage suffered by consumers and, where relevant, a price reduction or the termination of the contract. Member States may determine the conditions for the application and effects of those remedies. Member States may take into**



*account, where appropriate, the gravity and nature of the illegal practices, the damage suffered by consumers and other relevant circumstances.*

Or. en

*Justification*

*In order to allow redress actions such as contract cancellation or financial compensation, it is necessary that such sanctions are specified in case intermediary service providers/online platforms infringe DSA obligations newly introduced to protect consumers essentially in online trade. Therefore we consider that the DSA should introduce a general provision mirroring Article 11a of Directive 2005/29/EC on unfair commercial practices (amendment resulting from the Omnibus Directive 2019/2161).*

**Amendment 1017**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 13a**

**Display of the identity of traders**

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

Or. en

*Justification*

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

**Amendment 1018**

**Maria Grapini, Andreas Schieder**

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

*Text proposed by the Commission*

*Amendment*

**Article 13a**

***Measures against the reappearance of  
illegal content***

***Where an intermediary service detects and identifies illegal goods or services, it shall prevent this content from reappearing on its service. The application of this requirement shall not lead to any general monitoring obligation.***

Or. en

*Justification*

*In order to effectively and meaningfully address the proliferation of illegal products and services on intermediary services, measures need to be implemented by these services to prevent illicit content from reappearing after having been taken down. Such measures, undertaken horizontally by all intermediary services, will contribute to a safer online environment.*

**Amendment 1019**

**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Maria Grapini, Biljana Borzan, Paul Tang, Tiemo Wölken, Monika Beňová**

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

*Text proposed by the Commission*

*Amendment*

**Article 13b**

***Targeted advertising***

***Providers of intermediary services shall not collect or use personal data of a service recipient for the purpose of targeting or tailoring digital advertising. If a service provider legitimately receives information that allows it to make assumptions about the physical, physiological, genetic, mental, economic,***

*cultural or social identity of a user, this information shall not be used for advertising purposes, specifically not for targeting or tailoring of advertising.*

Or. en

#### **Amendment 1020**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Laurence Farreng, Stéphane Séjourné**

#### **Proposal for a regulation**

#### **Chapter III – Section 2 – title**

*Text proposed by the Commission*

Additional provisions applicable to providers of hosting services, including online platforms

*Amendment*

Additional provisions applicable to providers of hosting services, including online platforms *and to providers of live streaming platform services and of private messaging services*

Or. en

#### **Amendment 1021**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

#### **Chapter III – Section 2 – title**

*Text proposed by the Commission*

Additional provisions applicable to providers of hosting services, including online platforms

*Amendment*

Additional provisions applicable to providers of hosting services, including online platforms, *and to providers of livestreaming platform services and of private messaging services*

Or. en

#### **Amendment 1022**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. Providers of hosting **services, providers of live streaming platform services and of private messaging** services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content, **or content that is in breach with their terms and conditions**. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means **and may include:**

**(a) a clearly identifiable banner or single reporting button, allowing users to notify quickly and easily the providers of these services of illegal content they have encountered;**

**(b) providing information to the users on what is considered illegal content under Union and national law;**

**(c) providing information to the users on available national public tools to signal illegal content to the competent authorities.**

Or. en

**Amendment 1023**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Providers of hosting services shall put mechanisms in place to allow any

*Amendment*

1. Providers of hosting services shall put mechanisms in place to allow any

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

individual or **non-governmental** entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means **and may include:**

**(a) a clearly identifiable banner or single reporting button, allowing the users of those services to notify quickly and easily the providers of hosting services;**

**(b) providing information to the users on what is considered illegal content under Union and national law;**

**(c) providing information to the users on available national public tools to signal illegal content to the competent authorities in Member States where the service is directed.**

Or. en

#### *Justification*

*The system should be easy to find and use by individuals. Moreover, with the exemption of selected trusted flaggers, these systems are designed for non-government entities and individuals. Legal authorities have other means to request the removal of content, including within this Regulation.*

#### **Amendment 1024**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 14 – paragraph 1**

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

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

##### *Amendment*

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

friendly, and allow for the submission of notices exclusively by electronic means.

friendly, and allow for the submission of notices exclusively by electronic means. ***These mechanisms shall be close to the content in question and located on the same level in the online interface as, and clearly distinguishable from, where applicable, mechanisms for notification of alleged violations of terms and conditions. The Commission shall adopt delegated acts in accordance with Article 69 to lay down specific requirements regarding the mechanisms referred to in paragraph 1.***

Or. en

### *Justification*

*Experience with NetzDG has shown that some platforms simply hide the notification system for illegal content deep in their systems' interface. This amendment ensures that the notification "button" or similar mechanism will be directly findable by the user and as easy to use as the normal flag or notification system that most platforms already have in place for their terms and conditions. It also will permit more accurate transparency reports to be prepared by the platforms.*

## **Amendment 1025**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

### **Proposal for a regulation Article 14 – paragraph 1**

#### *Text proposed by the Commission*

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

#### *Amendment*

1. ***Private messaging services and providers of hosting services, including online platforms,*** shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, ***clearly visible, low-threshold,*** user-friendly ***and located close to the content in question allowing*** for the submission of notices exclusively by electronic means.

Or. en

**Amendment 1026**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

1. Providers of hosting services, ***with the exception of micro or small enterprises as defined in Recommendation 2003/361/EC***, shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

Or. nl

**Amendment 1027**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## *Justification*

*The inability to invoke a platform's terms & conditions would greatly limit the effectiveness of civil society's trusted flaggers. Therefore, to remove any ambiguity about the competence of trusted flaggers when they make use of the Notice and Action Mechanisms, it is important to explicitly cite an incompatibility with a provider's terms & conditions, as grounds to be invoked when flagging content.*

### **Amendment 1028** **Karen Melchior**

#### **Proposal for a regulation** **Article 14 – paragraph 1**

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

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

##### *Amendment*

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

Or. en

### **Amendment 1029** **Maria Grapini, Christel Schaldemose, Marc Angel, Evelyne Gebhardt**

#### **Proposal for a regulation** **Article 14 – paragraph 1**

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

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

##### *Amendment*

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



friendly, and allow for the submission of notices exclusively by electronic means.

friendly, and allow for the submission of notices exclusively by electronic means, *for example through online web forms.*

Or. en

**Amendment 1030**  
**Maria da Graça Carvalho**

**Proposal for a regulation**  
**Article 14.º – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. pt

**Amendment 1031**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

*(Does not affect the English version.)*

### Amendment 1032

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**

on behalf of the ID Group

#### Proposal for a regulation

#### Article 14 – paragraph 2 – introductory part

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

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

##### *Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of precise and adequately substantiated notices, on the basis of which **an** economic operator can **establish, in a diligent manner and without discrimination, whether the notice concerns illegal content as defined in Article 2(g) of these Regulations**. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

Or. en

### Amendment 1033

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### Proposal for a regulation

#### Article 14 – paragraph 2 – introductory part

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

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

##### *Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can identify the illegality **or the breach** of the content in question **with the terms and conditions**. To that end, the

to enable **and** facilitate the submission of notices containing all of the following elements:

providers shall take the necessary measures to enable facilitate the submission of notices containing all of the following elements:

Or. en

#### **Amendment 1034**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – introductory part**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 1035**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – introductory part**

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

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

##### *Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can identify the illegality **or incompatibility** of the content in question.

providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

Or. en

*Justification*

*The inability to invoke a platform's terms & conditions would greatly limit the effectiveness of civil society's trusted flaggers. Therefore, to remove any ambiguity about the competence of trusted flaggers when they make use of the Notice and Action Mechanisms, it is important to explicitly cite an incompatibility with a provider's terms & conditions, as grounds to be invoked when flagging content.*

**Amendment 1036**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1037**

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

**Proposal for a regulation**

**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content. ***The possibility of identifying, on the basis of a list drawn up in agreement with the Digital Service Coordinator, the type of illegal content to which the individual or entity presumes the reported content below, to should also be foreseen;***

Or. en

**Amendment 1038**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content, ***or content that is in breach with providers' terms and conditions;***

Or. en

**Amendment 1039**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

*Justification*

*The inability to invoke a platform's terms & conditions would greatly limit the effectiveness of civil society's trusted flaggers. Therefore, to remove any ambiguity about the competence of trusted flaggers when they make use of the Notice and Action Mechanisms, it is important to explicitly cite an incompatibility with a provider's terms & conditions, as grounds to be invoked when flagging content.*

**Amendment 1040**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

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

*(Does not affect the English version.)*

Or. fr

**Amendment 1041**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 14 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(aa) evidence that substantiates the claim, where possible;*

Or. en

**Amendment 1042**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

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

*Text proposed by the Commission*

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

*Amendment*

(b) where necessary, additional information enabling the identification of the illegal content;

Or. en

**Amendment 1043**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Laurence Farreng, Stéphane Séjourné, Karen Melchior**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1044**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

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

*Text proposed by the Commission*

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

*Amendment*

(b) a clear indication of the electronic location of that information and, where necessary ***and applicable*** additional information enabling the identification of the illegal content ***which shall be***

*appropriate to the type of content and to the specific type of intermediary;*

Or. en

#### **Amendment 1045**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*The exact location of the content is needed, otherwise the notice risks to lack precision and would allow, for instance, that only a website name (“Facebook”) is given by the individual that notifies.*

#### **Amendment 1046**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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



*Justification*

*The inability to invoke a platform's terms & conditions would greatly limit the effectiveness of civil society's trusted flaggers. Therefore, to remove any ambiguity about the competence of trusted flaggers when they make use of the Notice and Action Mechanisms, it is important to explicitly cite an incompatibility with a provider's terms & conditions, as grounds to be invoked when flagging content.*

**Amendment 1047****Martin Schirdewan, Anne-Sophie Pelletier****Proposal for a regulation****Article 14 – paragraph 2 – point b***Text proposed by the Commission*

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

*Amendment*

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

**Amendment 1048****Jean-Lin Lacapelle, Virginie Joron****Proposal for a regulation****Article 14 – paragraph 2 – point b***Text proposed by the Commission*

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

*Amendment*

*(Does not affect the English version.)*

## Amendment 1049

Alex Agius Saliba, Christel Schaldemose

### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*technical AM to align the rest of the text.*

## Amendment 1050

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

(b) a clear indication of the electronic location of that information enabling the identification of the illegal content ***if the application of the service that is used by the recipient allows it;***

Or. en

*Justification*

*There is a need for technology-neutral and future-proof notices. The current link made in the proposal between electronic location data and URLs, does not satisfy such requirements as for some technologies URLs are simply irrelevant and inadequate to locate illegal information. That is the case of apps, messaging apps, or live-streaming platforms and as technology develops, this will continue to be an issue. Thus, the reference to URLs must be removed, to allow for a wide enough scope that encompasses any future technological development.*

## Amendment 1051

Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 14 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*Users should have the right to notify anonymously, this is particularly important for victims, and for member of minority or vulnerable groups – instead, the suggestion is to amend paragraph 4 to give users the choice whether or not to include contact details.*

## Amendment 1052

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher

### Proposal for a regulation

#### Article 14 – paragraph 2 – point d

*Text proposed by the Commission*

*Amendment*

(d) a statement confirming *the good faith belief of* the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.

(d) a statement confirming the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete *to the best available knowledge.*

Or. en

*Justification*

*Notices should be based on knowledge, not mere believes. Just because something might "feel" illegal, does not make it so.*

### **Amendment 1053**

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

#### **Proposal for a regulation Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

Or. en

### **Amendment 1054**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### *Justification*

*Providers of hosting services cannot have actual knowledge of illegality once they receive a notice that meets the requirements of Article 14 (2). Imputing such “actual knowledge” to them creates a strong incentive to over-remove content since they lose immunity from liability upon receipt of an adequately substantiated notice (which may not even make a reference to illegal content) and may therefore be held liable if they fail to take action. Secondly, it puts hosting providers in the position of deciding the legality of content in the first instance rather*

than the courts, which is inappropriate from a rule of law perspective in a democratic society. Finally, the CJEU has confirmed this in *Peterson v Google* (ECLI:EU:C:2020:586) that "notices cannot automatically preclude the exemption from liability".

#### **Amendment 1055**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 1056**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned ***where there is no doubt as to the illegality of the specific item of content. In case of uncertainty and after taking reasonable steps to assess the illegality of the specific item of content, withholding from removal of the content by the provider shall be perceived as acting in good faith and shall not lead to waiving the liability exemption provided for in Article 5.***

**Amendment 1057**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. ***Adequately substantiated*** notices that include the elements referred to in paragraph 2 shall be considered to give rise to ***an obligation to investigate the notice in an effective and timely manner. If a provider is unable to determine if a notice is valid, a provider may ask the Digital Service Coordinator or other national administrative bodies for an opinion before removing or disabling the content.***

*Justification*

*Notices must be investigated in a timely manner. Before they are investigated, it is not possible for a provider to know if the information included is correct and proper.*

**Amendment 1058**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned ***and shall create an obligation on behalf of the notified provider of hosting services to remove or***

*disable access to the notified information expeditiously.*

Or. en

### **Amendment 1059**

**Evelyne Gebhardt, Petra Kammerevert, Andreas Schieder, Monika Beňová**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 3**

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

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

##### *Amendment*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned. ***A provider shall be exempted from liability despite knowledge for a time that is appropriate to take an informed decision on the matter.***

Or. en

##### *Justification*

*If notices are automatically linked to the notion that platforms have acquired actual knowledge, the perspective of no longer benefiting from the liability exemption increases the incentives for overblocking. Therefore, the time to make a informed decision should be granted to platforms.*

### **Amendment 1060**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 3**

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

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge

##### *Amendment*

3. Notices that include the elements referred to in paragraph 2 ***on the basis of which a diligent provider of hosting***

or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

*services is able to assess the illegality of the content in question*, shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

Or. en

#### *Justification*

*To clarify that only substantiated notices lead to actual knowledge, to prevent over-removal of legal content.*

#### **Amendment 1061** **Clara Ponsatí Obiols**

#### **Proposal for a regulation** **Article 14 – paragraph 3**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 1062** **Geert Bourgeois**

#### **Proposal for a regulation** **Article 14 – paragraph 3**

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

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

##### *Amendment*

3. Notices that include the elements referred to in paragraph 2 shall give rise to actual knowledge or awareness, for the purposes of Article 5, **only** in respect of



in respect of *the specific item of information concerned*.

*manifestly illegal content related to serious crimes*.

Or. nl

**Amendment 1063**  
**Petra Kammerevert**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1064**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

4. Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall, *without undue delay*, send a confirmation of receipt of the notice to that individual or entity.

Or. en

## Amendment 1065

Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 14 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

4. The individual or entity that submitted **the notice shall be given the option to provide an electronic mail address to enable** the provider of hosting services **to** promptly send a confirmation of receipt of the notice to that individual or entity

Or. en

*Justification*

*This is in line with the recommendation in the Annex of the IMCO INL (P9\_TA(2020)0272) Digital Services Act: Improving the functioning of the Single Market which states that "notice providers should have the possibility, but not be required, to include their contact details in a notice; where they decide to do so, their anonymity should be ensured towards the content provider".*

## Amendment 1066

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 14 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. Where individuals decide to include their contact details in a notice, their anonymity towards the recipient of the service who provided the content shall be ensured, except in cases of alleged violations of personality rights or of intellectual property rights.**

Or. en

## *Justification*

*This follows recommendations by victims organisations and is in line with the recommendation in the Annex of the IMCO INL (P9\_TA(2020)0272) Digital Services Act: Improving the functioning of the Single Market which states that "notice providers should have the possibility, but not be required, to include their contact details in a notice; where they decide to do so, their anonymity should be ensured towards the content provider".*

### **Amendment 1067**

**Maria da Graça Carvalho**

#### **Proposal for a regulation**

##### **Article 14 – paragraph 5**

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

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

###### *Amendment*

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

Or. pt

### **Amendment 1068**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Article 14 – paragraph 5**

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

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

###### *Amendment*

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

Or. en

## **Amendment 1069**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 14 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*From IMCO INL (P9\_TA(2020)0272) Digital Services Act: Improving the functioning of the Single Market, paragraph 53: “urges the Commission to ensure access to transparent, effective, fair, and expeditious counter-notice and complaint mechanisms” and the N&A section: “— provide information and remedies to contest the decision via a counter-notice”. According to Strasbourg jurisprudence, any law permitting specific blocking measures shall contain an obligation to proactively notify and inform those who might be directly impacted (ECtHR, Kharitonov v Russia, Application no.10795/14, para 44; ECtHR, Bulgakov v Russia, Application no. 20159/15, para 35; ECtHR, OOO Flavus and Others v. Russia, Application no. 12468/15, para 40; ECtHR, Engels v. Russia, Application no. 61919/16, para 31.).*

## **Amendment 1070**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

### **Proposal for a regulation**

#### **Article 14 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

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

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

processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.  
***Where the provider has no technical, operational or contractual ability to act against specific items of illegal content, it may hand over a notice to the provider that has direct control of specific items of illegal content, while informing the notifying person or entity and the relevant Digital Services Coordinator.***

Or. en

**Amendment 1071**  
**Martin Schirdewan, Anne-Sophie Pelletier**

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

*Text proposed by the Commission*

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

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner, ***in any case no longer than 72 hours***. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4. ***This shall include meaningful information about the procedure followed, the technology used and the criteria and reasoning supporting the decision, as well as the logic involved in the automated decision-making.***

Or. en

**Amendment 1072**  
**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1073**  
**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

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

*Amendment*

6. Providers of hosting services, ***including online platforms, and of private messaging services, without prejudice to Article 5(1), point (b),*** shall process any notices that they receive under the mechanisms referred to in paragraph 1, ***of this Article, and remove or disable access to the illegal content without undue delay and within seven days of the receipt of the notification at the latest. Resulting from a valid notice and action procedure, providers of hosting services shall prevent future uploads of already notified illegal content putting in place effective,***

*reasonable and proportionate measures.*

Or. en

#### **Amendment 1074**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 6**

*Text proposed by the Commission*

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

*Amendment*

6. Providers of hosting *services, of live streaming platform services and of private messaging* services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, *or in respect of the recipient of the service who provided this information*, in a timely, diligent *non-discriminatory* and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

#### **Amendment 1075**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the

information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

information to which the notices relate, in a timely, diligent, **non-discriminatory** and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

**Amendment 1076**  
**Karen Melchior, Anna Júlia Donáth**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1077**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and **take their decisions in respect of the**

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and **act** in a timely, diligent, **non-**



*information to which the notices relate*, in a timely, diligent *and objective* manner. Where they use automated means for that *processing* or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*discriminatory and non-arbitrary* manner. Where they use automated means for that *pre-processing notices* or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

#### *Justification*

*Providers of hosting services are private companies and should therefore not have the decision about what is legal or illegal in any given Member State or in the Union. This decision should reside with the competent authority referred to in Article 8. Moreover, IMCO INL (P9\_TA(2020)0272) states that N&A mechanism should be "human centric", AI could help in pre-selecting but a human should be involved.*

#### **Amendment 1078**

**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Marc Angel, Maria Grapini, Petra Kammerevert, Biljana Borzan, Brando Benifei, Monika Beňová**

#### **Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Where an online platform that allows consumers to conclude distance contracts with traders, detects and identifies illegal goods or services, it shall be obliged to establish an internal database of those goods and services that had previously been taken down by the online platform because they had been found to be illegal or harmful. They shall, under the inclusion of elements listed in the Rapid Exchange of Information System (RAPEX) and other relevant public databases, scan their database on a daily basis to detect illegal goods and services. If this process detects a good or service that has previously been found to be illegal or harmful, the online platform shall be obliged to delete the content expeditiously.**

Or. en

**Amendment 1079**

**Marc Angel, Christel Schaldemose, Maria Grapini, Andreas Schieder, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Where the explanation of the reasons as referred to in paragraph 2 (a) does not allow a diligent economic operator to identify the illegality of the content in question; where the notified content is not illegal in the country of establishment of the hosting service; or, where there is a genuine demonstrable doubt about the illegality of the content, the hosting services may seek assistance for further clarification with the relevant authority or the national Digital Services Coordinator;**

Or. en

**Amendment 1080**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Providers of hosting services, of live streaming platform services and of private messaging services shall demonstrate their best efforts to prevent from reappearing content which is identical to another piece of content that has already been identified and removed by them as illegal. The application of this requirement shall not lead to any general monitoring obligation.**

**Amendment 1081**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Providers of hosting services could, as a voluntary measure in line with provisions Article 6, conduct own-investigation measures to prevent illegal content which has previously been identified as illegal from being disseminated again once removed. The obligations related to paragraph 1 to 6 shall by no means impose general monitoring obligations on hosting services.**

Or. en

*Justification*

*To clarify that obligations related to notice and action should not be interpreted as general monitoring obligations or obligations to introduce a stay-down mechanism.*

**Amendment 1082**

**Christian Doleschal**

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Hosting service providers shall immediately remove or disable access to illegal content reported through the procedure as outlined in paragraph 1:**

**a) manifestly illegal content at the latest within 24 hours of being notified;**

*b) in other cases, at the latest within seven days of receipt of the report.*

Or. en

**Amendment 1083**

**Geoffroy Didier, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*6a. Providers of hosting service shall, without undue delay and within seven days of the receipt of the notification at the latest, inform consumers who have purchased illegal products between the moment they have been uploaded on the provider's website and the moment the listing has been taken down by the platform following a valid notice.*

Or. en

**Amendment 1084**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*6a. If the recipient of services notices the hosting services their disagreement with the automated means of decision-making, hosting services must ensure human review of the decision-making process before any action taken*

Or. en

**Amendment 1085**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1086**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*In line with the recommendation of the INL P9\_TA(2020)0272 "Digital Services Act: Improving the functioning of the Single Market" which states in V.1 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 1087**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6b. Paragraphs 2, 4 and 5 shall not apply to providers of intermediary services that qualify as micro, small or medium-sized enterprises (SMEs) within the meaning of the Annex to Recommendations 2003/361/EU, or to those enterprises within twelve months of them losing such status pursuant to Article 4(2) thereof.**

Or. en

**Amendment 1088**

**Christian Doleschal**

**Proposal for a regulation**

**Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6b. Paragraph 6a shall not apply to providers of intermediary services that qualify as micro, small or medium-sized enterprises (SMEs) within the meaning of the Annex to Recommendations 2003/361/EU, or to those enterprises within twelve months of them losing such status pursuant to Article 4 (2) thereof.**

Or. en

**Amendment 1089**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

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

*Text proposed by the Commission*

*Amendment*

**6c. Paragraph 2 and 4-5 shall not apply where, within the framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content between the members of the organised distribution framework and their suppliers.**

Or. en

**Amendment 1090**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1091**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1092**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

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

1. Where a provider of hosting services decides to remove or **to** disable access to, **or to demote or otherwise impose sanctions against** specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall **promptly** inform the recipient of the **action**, provide a clear and specific statement of reasons for that **action, and include information on the possibility to issue a counter-notice, to make use of the internal complaint-handling system set out in Article 17 and to appeal a decision with the competent authority. This obligation shall not apply and statements of reasons may be withheld where:**



*(a) it is necessary for the investigation, or prosecution, of violations of law or public policy, including for ongoing criminal investigations, to justify avoiding or postponing notice to the recipient; or*

*(b) the content removed were components of high-volume, commercial campaigns to deceive users or manipulate content moderation efforts.*

Or. en

### Amendment 1093

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

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

#### *Text proposed by the Commission*

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

#### *Amendment*

1. Where a provider of hosting services decides to remove, disable access to *or otherwise restrict the visibility of* specific items of information provided by the recipients of the service *or to suspend or terminate monetary payments related to those items*, irrespective of the means used for detecting, identifying, removing or disabling access to *or reducing the visibility of* that information and of the reason for its decision, it shall inform the recipient *on a durable medium*, at the latest at the time of the removal or disabling of access *or the restriction of visibility or the suspension or termination of monetization*, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

## *Justification*

*Negative treatments of content go beyond the removal or disabling of access, but also include restrictions on visibility and monetisation of content.*

### **Amendment 1094**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo, Karen Melchior**

#### **Proposal for a regulation**

##### **Article 15 – paragraph 1**

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

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

###### *Amendment*

1. Where a provider of hosting services decides to remove , disable access to *or otherwise restrict the visibility of* specific items of information provided by the recipients of the service *or to suspend or terminate monetary payments related to those items*, irrespective of the means used for detecting, identifying, removing or disabling access to *or reducing the visibility of* that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access *or the restriction of visibility or the suspension or termination of monetization*, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

### **Amendment 1095**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

#### **Proposal for a regulation**

##### **Article 15 – paragraph 1**

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

1. Where a provider of hosting services decides to remove *or* disable access to specific items of information

###### *Amendment*

1. Where a provider of hosting services decides to remove, disable access to *or otherwise restrict the visibility of*

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

specific items of information provided by the recipients of the service, *or to suspend or terminate monetary payments related to those items*, irrespective of the means used for detecting, identifying or removing, disabling access to *or reducing the visibility of* that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access *or the restriction of visibility or the suspension or termination of monetization*, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

#### **Amendment 1096**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

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

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

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

##### *Amendment*

1. Where a provider of hosting services decides to remove or disable access to *or radically restrict the visibility of* specific items of information provided by the recipients of the service, *or to suspend or terminate monetary payments related to those items*, irrespective of the means used for detecting, identifying or removing or disabling access to *or for restricting the visibility or monetisation of* that information and of the reason for its decision, it shall inform the recipient, *without undue delay and* at the latest *within 24 hours after* the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

**Amendment 1097**  
**Geert Bourgeois**

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

*Text proposed by the Commission*

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

*Amendment*

1. Where a provider of hosting services, ***within the limits of the rules laid down by this Regulation and in particular by Article 33a***, decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

Or. nl

**Amendment 1098**  
**Adam Bielan, Kosma Złotowski, Beata Mazurek**

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

*Text proposed by the Commission*

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

*Amendment*

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

specific statement of reasons for that decision.

Or. en

**Amendment 1099**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

**Proposal for a regulation**

**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. When the removing or disabling access to specific items of information is followed by the transmission of these specific items of information in accordance with Article 15a, the requirement to inform the recipient set out in paragraph 1 may be postponed by a period of six weeks in order to avoid interfere with potential ongoing criminal investigations. The period of six weeks can be renewed only following a motivated decision of the competent authority to which the specific items of information had been transmitted.***

Or. en

**Amendment 1100**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 15 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:

***2. When the removing or disabling access to specific items of information is followed by the transmission of those specific items of information in accordance with Article 15a, the provision of information to the recipient in***

*accordance with paragraph 1 shall be postponed for a period of six weeks in order not to interfere with potential ongoing criminal investigations. That period of six weeks may be renewed only after a motivated decision of the competent authority to which the specific items of information had been transmitted.* The statement of reasons referred to in paragraph 1 shall at least contain the following information:

Or. en

#### **Amendment 1101**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 15 – paragraph 2 – point a**

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

(a) whether the **decision** entails either the removal of, or the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

##### *Amendment*

(a) whether the **action** entails either the removal of, **demotion or other sanction against**, or the disabling of access to, the information and, where relevant, the territorial scope of the **action, including, where a decision was taken pursuant to Article 14, an explanation about why the disabling of access did not exceed what was strictly necessary to achieve its objective**;

Or. en

#### **Amendment 1102**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, or the disabling of access to, **the** information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, or the disabling of access to **or radical restriction of the visibility of, the information or the suspension or termination of monetary payments related to that** information and, where relevant, the territorial scope of the disabling of access;

Or. en

**Amendment 1103**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, **or** the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, the disabling of access to, **the restriction of the visibility of, or the demonetisation of** the information and, where relevant, the territorial scope of the disabling of access **or of the restriction of visibility**;

Or. en

**Amendment 1104**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, **or** the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, the disabling of access to, **the restriction of the visibility of, or the demonetisation of**, the information and,

where relevant, the territorial scope of the disabling of access *or the restriction*;

Or. en

*Justification*

*Negative treatments of content go beyond the removal or disabling of access, but also include restrictions on visibility and monetisation of content.*

**Amendment 1105**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo, Karen Melchior**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, *or* the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, the disabling of access to, *the restriction of the visibility of, or the demonetisation of*, the information and, where relevant, the territorial scope of the disabling of access *or the restriction*;

Or. en

**Amendment 1106**

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

**Proposal for a regulation**

**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, or the disabling of access to, the information *and, where relevant*, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, or the disabling of access to, the information, the territorial scope of the disabling of access *and the duration*;

Or. en



## Amendment 1107

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 15 – paragraph 2 – point b

*Text proposed by the Commission*

(b) the facts and circumstances relied on in taking the **decision**, including where relevant whether the **decision** was taken pursuant to a notice submitted in accordance with Article 14;

*Amendment*

(b) the facts and circumstances relied on in taking the **action**, including where relevant whether the **action** was taken pursuant to a notice **of manifestly illegal content** submitted in accordance with Article 14 **or to an order in accordance with Article 8**;

Or. en

## Amendment 1108

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

### Proposal for a regulation

#### Article 15 – paragraph 2 – point b

*Text proposed by the Commission*

(b) the facts and circumstances relied on in taking the decision, including where relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14;

*Amendment*

(b) the facts and circumstances relied on in taking the decision, including where relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14 **and where appropriate, the identity of the notifier**;

Or. en

#### *Justification*

*There are real cases of abuse of such systems for commercial or other reasons. It is reasonable to allow a recipient to know who is accusing them of posting illegal content.*

**Amendment 1109**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 15 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1110**

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

**Proposal for a regulation**

**Article 15 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1111**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) where the decision concerns allegedly illegal content, a reference to the

*Amendment*

(d) where the decision concerns allegedly illegal content, a reference to the

legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;

legal ground relied on and explanations as to why the information is considered to be illegal content on that ground ***including explanations in relation to the arguments submitted under Article 14, paragraph 2a, where relevant.***

Or. en

*Justification*

*technical amendment to align the text with other amendments.*

**Amendment 1112**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 15 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) where the decision concerns ***allegedly*** illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;

*Amendment*

(d) where the decision concerns ***manifestly*** illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;

Or. en

**Amendment 1113**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 15 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) where the decision concerns ***allegedly illegal content***, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;

*Amendment*

(d) where the decision concerns ***content deemed to be illegal***, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;

Or. fr

**Amendment 1114**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

*(e) where the decision is based on the alleged incompatibility of the information with the terms and conditions of the provider, a reference to the contractual ground relied on and explanations as to why the information is considered to be incompatible with that ground;*

*deleted*

Or. fr

**Amendment 1115**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point f**

*Text proposed by the Commission*

*Amendment*

(f) information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.

(f) information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress, ***which may be sought in the Member State of establishment of the provider of the service and/or in the Member State of establishment of the recipient of the service who provided the content.***

Or. en

*Justification*

*technical AM to align the text with other AMs proposed in article 8(2) a.*

**Amendment 1116**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 15 – paragraph 2 – point f**

*Text proposed by the Commission*

(f) information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.

*Amendment*

(f) **clear, user-friendly** information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.

Or. en

**Amendment 1117**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 15 – paragraph 4**

*Text proposed by the Commission*

**4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not include personal data.**

*Amendment*

**deleted**

Or. fr

**Amendment 1118**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.

*Amendment*

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible, ***machine-readable*** database managed ***and published*** by the Commission. That information shall not contain personal data.

Or. en

**Amendment 1119**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation  
Article 15 – paragraph 4**

*Text proposed by the Commission*

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.

*Amendment*

4. Providers of hosting services shall publish ***at least annually*** the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.

Or. en

*Justification*

*It is not reasonable to require such publishing to take place after each decision. For larger platforms, these could be thousands of statements a minute.*

**Amendment 1120**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec**

**Proposal for a regulation  
Article 15 – paragraph 4**

*Text proposed by the Commission*

4. Providers of hosting services shall ***publish*** the decisions and the statements of reasons, referred to in paragraph 1 ***in a publicly accessible database managed by the Commission***. That information shall not contain personal data.

*Amendment*

4. Providers of hosting services shall ***upon request share*** the decisions and the statements of reasons, referred to in paragraph 1 ***with the Digital Service Coordinator of establishment***. That information shall not contain personal data.

Or. en

#### **Amendment 1121**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Paragraph 1 shall not apply where:***

- a provider of hosting service does not have the information necessary to inform the recipient by a durable medium;***
- a provider of hosting service has already informed the recipient of the removal or disabling of the same or similar items of information from the same recipient;***
- content is manifestly illegal;***
- content is deceptive, high-volume commercial content; or***
- requested by a judicial or law enforcement authority to not inform the recipient due to an ongoing criminal investigations until the criminal investigations is closed.***

Or. en

#### *Justification*

*In a number of cases, proving for a statement would be not proportionate and would not serve the purpose of protecting against unjustified removals of recipient content by providers. Such statements would only be a burden and slow the removal of selected content. Moreover, the*

*information provided could have a negative effect on ongoing criminal investigations*

**Amendment 1122**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Paragraph 2 to 4 shall not apply to providers of intermediary services that qualify as micro, small or medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC, or during the first twelve months from when an enterprise lost such status as pursuant to Article 4(2) thereof.**

Or. en

**Amendment 1123**

**Geert Bourgeois**

**Proposal for a regulation**

**Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Micro or small enterprises as defined in Commission Recommendation 2003/361/EC shall be excluded from the scope of that provision.**

Or. nl

**Amendment 1124**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**



**Proposal for a regulation**  
**Article 15 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. Paragraph 2 to 4 shall not apply where, within the framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content between the members of the organised distribution framework and their suppliers.**

Or. en

**Amendment 1125**  
**Róża Thun und Hohenstein, Krzysztof Hetman**

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

*Text proposed by the Commission*

*Amendment*

**Article 15a**

***Online interface design and oversight***

**1. Providers of hosting services shall not subvert or impair the autonomy, decision-making, or choice of the recipients of the service through the structure, function or manner of operation of their online interface or a part thereof.**

***In particular, providers of hosting services shall refrain from:***

**a) giving more visual prominence to any of the options when asking the recipient of the service for a decision that might have detrimental effects for the recipient;**

- b) repeatedly requesting that a recipient of the service consents to data processing, regardless of the scope or purpose of such processing, especially by presenting a pop-up that interferes with user experience;*
- c) urging a recipient of the service to change any setting or configuration of the service after the person in question has already made her choice, including by the use of a standard protocol in accordance with paragraph 4;*
- d) making the procedure of cancelling a service more cumbersome than signing up to it;*
- e) requiring a recipient of the service to consent to the collection or processing of personal data concerning the recipient that is not strictly technically necessary for the functioning of the service.*

*2. A choice or decision made by the recipient of the service using an online interface that does not comply with the requirements of paragraph 1 shall not constitute consent in the sense of Regulation (EU) 2016/679.*

*3. Providers of hosting services shall design and organise their online interfaces in a way that enables them and traders to comply with their obligations under applicable Union and Member State law on data protection and consumer protection, including on product safety.*

*4. Providers of hosting services shall respect the communication of choices made by the recipients of the service, including consent or withdrawal of consent to the processing of personal data, through automated means, in particular through the settings of software placed on the market permitting electronic communications, including the retrieval and presentation of information on the internet.*

*The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions for automated means referred to above.*

*5. The Commission shall adopt a delegated act in accordance with Article 69, after consulting the Board to indicate specific design patterns that qualify as subverting or impairing the autonomy, decision making, or choice of the recipients of the service. The Commission shall keep this list updated in the light of technological developments and, in the case of very large online platforms, assessments related to systemic risks identified in accordance with Article 27(2).*

*6. The Commission may adopt implementing acts to prescribe the design and functions of online interfaces that facilitate expression of consent in accordance to Regulation (EU) 2016/679 or other choices that may be expressed by the recipients of the service. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. Before the adoption of any measures pursuant to this paragraph, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which shall not be less than one month.*

Or. en

## **Amendment 1126**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

### **Proposal for a regulation**

#### **Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 15a*

***Preservation of content and related data,  
and mandatory transmission of specific  
items of information***

***1. Providers of hosting services shall store the illegal content which has been removed or access to which has been disabled as a result of content moderation, or of an order to act against a specific item of illegal content as referred to in Article 8, as well as any related data removed as a consequence of the removal of such illegal content, which are necessary for:***

***(a) administrative or judicial review or out-of-court dispute settlement against a decision to remove or disable access to illegal content and related data; or***

***(b) the prevention, detection, investigation and prosecution of criminal offences.***

***2. Providers of hosting services shall store the illegal content and related data pursuant to in paragraph 1 for six months from the date of removal or disabling access to it. The illegal content shall, upon request from the competent authority or court, be stored for a further specified period only if and for as long as necessary for ongoing administrative or judicial review as referred to in paragraph 1, point (a).***

***3. Providers of hosting services shall ensure that the illegal content and related data stored pursuant to paragraph 1 are subject to appropriate technical and organisational safeguards. Those technical and organisational safeguards shall ensure that the illegal content and related data stored are accessed and processed only for the purposes referred to in paragraph 1 and shall ensure a high level of security of personal data concerned. Providers of hosting services shall review and update those safeguards where necessary.***

***4. Providers of hosting services shall***

*transmit to the competent authorities of the Member States the illegal content which has been removed or access to which has been disabled, whether such a removing or disabling access to is a result of a voluntary content moderation or of a use of the notice and action mechanism referred to in Article 14. They shall transmit that illegal content under the following conditions:*

*(a) illegal content referred to in this paragraph means content which is manifestly illegal and is an offence in accordance with Council Framework Decision 2008/913/JHA<sup>1a</sup> and Directive 2011/36/EU of the European Parliament and of the Council<sup>1b</sup>; and*

*(b) the competent law enforcement authority to receive such illegal content is that of the Member State of the residence or establishment of the person who made the illegal content available, or, failing that, the law enforcement authority is that of the Member State in which the provider of hosting services is established or has its legal representative, or, failing that, the provider of hosting services shall inform Europol;*

*(c) when the provider of hosting services is a very large online platform in accordance with the Section 4 of Chapter III, it shall, when transmitting the illegal content, add a flag indicating that the illegal content involves a threat to the life or safety of persons.*

*5. Each Member State shall notify to the Commission the list of its competent law enforcement authorities for the purposes of paragraph 4.*

Or. en

#### *Justification*

*For the most odious illegal content, the aim is to go beyond mere removal/blocking, to oblige the law enforcement authorities to be informed and thus enable them to quickly become aware of such content and to initiate investigations. The effectiveness of investigations must be*

*preserved by postponing the information to the user that a content of which he is the author has been removed or blocked and the reasons why it has been removed or blocked. This is to prevent the author from seeking to remove evidence.*

#### **Amendment 1127**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

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

*Text proposed by the Commission*

*Amendment*

#### *Article 15a*

#### ***Preservation of content and related data, and mandatory transmission of specific items of information***

- 1. Providers of hosting services shall store the illegal content which has been removed or access to which has been disabled as a result of content moderation, or of an order to act against a specific item of illegal content as referred to in Article 8, as well as any related data removed as a consequence of the removal of such illegal content, which are necessary for administrative or judicial review proceedings, including or out-of-court dispute settlement against a decision to remove or disable access to illegal content and related data.***
- 2. The illegal content and related data, as referred to in paragraph 1, shall be stored for six months from the date of removal or disabling. The illegal content shall, upon request from the competent authority or court, be preserved for a further specified period only if and for as long as necessary for ongoing administrative or judicial review proceedings, as referred to in paragraph 1.***
- 3. Providers of hosting services shall ensure that the illegal content and related data stored pursuant to paragraph 1 are***

*subject to appropriate technical and organisational safeguards. Those technical and organisational safeguards shall ensure that the illegal content and related data stored are accessed and processed only for the purposes referred to in paragraph 1, and ensure a high level of security of the personal data concerned. Providers of hosting services shall review and update those safeguards where necessary.*

*4. Providers of hosting services shall transmit to the competent authorities of the Member States the illegal content which has been removed or access to which has been disabled, whether such removing or disabling access is a result of a voluntary content moderation or of a use of the notification and action mechanism referred to in Article 14. This obligation of transmission applies under the following conditions:*

*(a) illegal content referred to in this paragraph means content which is manifestly illegal and is an offense according to Framework Decision 2008/913/JHA and Directive 2011/36/EU; and*

*(b) the competent law enforcement authority to which to transmit such illegal content is that of the Member State of the residence or establishment of the person who made the illegal content available, or, failing that, the law enforcement authority of the Member State in which the provider of hosting services is established or has its legal representative; or, failing that, the provider of hosting services shall inform Europol;*

*(c) when the provider of hosting services is a very large online platform in accordance with Section 4 of Chapter III, it must also, when transmitting the illegal content, add an indicating flag for the illegal content which involve a threat to the life or safety of persons.*

5. *Each Member State shall notify to the Commission the list of its competent law enforcement authorities as referred to in paragraph 4.*

Or. en

**Amendment 1128**  
**Marcel Kolaja**

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

*Text proposed by the Commission*

*Amendment*

*Article 15a*

*Content moderation*

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

2. *Providers of hosting services shall act in a fair, transparent, coherent, predictable, non-discriminatory, diligent, non-arbitrary and proportionate manner when moderating content, with due*



*regard to the rights and legitimate interests of all parties involved, including the fundamental rights of the recipients of the service as enshrined in the Charter.*

Or. en

**Amendment 1129**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera**

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

*Text proposed by the Commission*

*Amendment*

*Article 15a*

*Notification of suspicions of criminal offences*

*1. Where a provider of hosting services becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.*

*2. Where the provider of hosting services cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative and Europol. For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the*

*suspected offence resides or is located.*

Or. en

*Justification*

*Moved from Section 3 so that it will cover all hosting service providers and not just online platforms.*

**Amendment 1130**

**Karen Melchior, Patrick Breyer, Tiemo Wölken**

**Proposal for a regulation**

**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 15a*

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

Or. en

**Amendment 1131**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Liesje Schreinemacher**

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

*Text proposed by the Commission*

*Amendment*

**Article 15a**

***Alternative mechanisms based on an  
adequacy decision***

***1. Where a platform has an existing alternative notice and action mechanisms as set down by the law of a third country or in accordance with other Union law, upon a request by a provider, the Commission may issue a decision that declare these mechanisms as ensuring an adequate level of protection and fulfilling the requirements in Article 14 and Article 15. Before issues any such decision, the Commission shall consult the Board and the general public at least one month before the decision is adopted.***

Or. en

*Justification*

*Many platforms already have similar systems in place due to existing legislation outside the Union. Where the same standards and levels of protections for recipients can be achieved by these alternative mechanisms, they should be deemed equal based on a adequacy decision.*

**Amendment 1132**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Paul Tang, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

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

*Text proposed by the Commission*

*Amendment*

**Article 15a**

***Online interface design and organisation***

***1. Providers of hosting services shall not distort or impair consumers' ability to make an informed decision via the***

*structure, function or manner of operation of their online interface or a part thereof.*

*2. Providers of hosting services shall design and organise their online interface in a way that enables themselves and traders to comply with their obligations under applicable Union and Member State law on consumer protection, including on product safety.*

Or. en

*Justification*

*The aim of the article is to clarify the obligations concerning online interface design and to make sure that hosting service providers do not design their online interfaces and/or parts thereof in a way to engage in so-called 'dark patterns'.*

**Amendment 1133**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**

**Article 15 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15b**

***Notification of suspicions of serious criminal offences***

- 1. Where a provider of hosting services becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.***
- 2. Where provider of hosting services cannot identify with reasonable certainty the Member State concerned, it shall***

*inform the law enforcement authorities of the Member State in which it is established or has its legal representative or shall inform Europol. For the purpose of this Article, the Member State concerned shall be the Member State where the serious criminal offence is suspected to have taken place, to be taking place or to likely take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected serious criminal offence resides or is located. For the purpose of this Article, each Member State shall notify to the Commission the list of its competent law enforcement or judicial authorities.*

Or. en

**Amendment 1134**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng**

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

*Text proposed by the Commission*

*Amendment*

*Article 15b*

*Notification of suspicions of criminal offences*

- 1. Where provider of hosting service becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall remove or disable the content and promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.*
- 2. Where the provider of hosting*

*service cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.*

*3. For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.*

*4. For the purpose of this Article, Member States shall notify to the Commission the list of its competent law enforcement or judicial authorities.*

Or. en

#### *Justification*

*The text of Article 21 with few modifications is reintroduced here as Article 15b*

#### **Amendment 1135**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 16**

*Text proposed by the Commission*

*Amendment*

#### *Article 16*

*deleted*

#### *Exclusion for micro and small enterprises*

*This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.*

Or. en

*Justification*

*Exemption is moved to -10 (new) above.*

**Amendment 1136**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 16 – title**

*Text proposed by the Commission*

*Amendment*

Exclusion for micro **and small** enterprises

Exclusion for micro enterprises

Or. en

**Amendment 1137**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

This Section shall not apply to online platforms that qualify as micro **or** small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

This Section shall not apply to online platforms that qualify as micro, small **or medium sized** enterprises within the meaning of the Annex to Recommendation 2003/361/EC, **nor during the first twelve months to such enterprises following the loss of such status pursuant to Article 4(2) thereof.**

***This section shall not apply where, within the framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content between the members of the organised distribution framework and their***

*suppliers.*

Or. en

### **Amendment 1138**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

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

This Section shall not apply to online platforms that qualify as micro *or* small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

##### *Amendment*

This Section shall not apply to online platforms that qualify as micro, small enterprises within the meaning of the Annex to Recommendation 2003/361/EC. ***Following an additional, individual risk assessment, the Digital Services Coordinator of establishment may extend the exemption to selected medium-sized enterprises.***

Or. en

### **Amendment 1139**

**Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

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

This Section shall not apply to online platforms that ***qualify as micro or small enterprises within the meaning*** of the ***Annex to Recommendation 2003/361/EC.***

##### *Amendment*

This Section shall not apply to online platforms that ***provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 9 million, calculated in accordance with the methodology set out in the delegated acts referred to in Article 25 paragraph 3.***

Or. en



## **Amendment 1140**

**Jean-Lin Lacapelle, Virginie Joron, Alessandra Basso**

### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

*Text proposed by the Commission*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, ***with the exception of those owned or controlled by bodies outside the Union.***

Or. fr

## **Amendment 1141**

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

### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

*Text proposed by the Commission*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC ***and which are not very large online platforms in accordance with Article 25.***

Or. en

*Justification*

*It may occur that an micro or small enterprise is also a VLOP. In these occasions, it is reasonable to apply all rules.*

## **Amendment 1142**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **Proposal for a regulation**

#### **Article 16 – paragraph 1**

*Text proposed by the Commission*

This Section shall not apply to online platforms that qualify as micro **or small** enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

This Section shall not apply to online platforms that qualify as micro enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Or. en

**Amendment 1143**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

1. Online platforms shall provide recipients of the service, **as well as individuals or entities that have submitted a notice** for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the **decision taken by the online platform not to act after having received a notice, and against the** decisions taken by the online platform on the ground that the information provided by the recipients is illegal content **under Union or national law**, or incompatible with its terms and conditions:

Or. en

**Amendment 1144**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

1. Online platforms shall provide recipients of the service, ***and individuals or entities that have submitted a notice***, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against ***the decision taken by the provider of the online platform not to act upon the receipt of a notice or against the*** following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

*Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

**Amendment 1145**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

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

*Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be

*Amendment*

1. Online platforms shall provide recipients of the service, ***and individuals or entities that have submitted a notice*** for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal

lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the ***decision taken by the provider of the online platform not to act upon the receipt of a notice or against the*** following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

#### **Amendment 1146**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

#### **Proposal for a regulation**

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

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

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

##### *Amendment*

1. Online platforms shall provide recipients of the service, ***as well as individuals or entities that have submitted a notice***, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the ***decision taken by the online platform not to act after having received a notice, and against the*** following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

#### **Amendment 1147**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 1148**

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

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1149**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*To store all data removed for six months would be a burden and a cost on providers. At the same time, three months seems a reasonable amount of time for a user to fill a complaint.*

**Amendment 1150**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 1151**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) decisions ***whether or not*** to remove or disable access to ***or restrict visibility of*** the information;

Or. en

*Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

**Amendment 1152**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) decisions ***whether or not*** to remove or disable access to ***or restrict visibility of*** the information;

Or. en

**Amendment 1153**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**

on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1154**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*For some pieces of content the solely reason to upload to a selected platform is to seek visibility. Therefore the removal of visibility could be seen as equal to removal*

**Amendment 1155**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) decisions to remove , disable access to *or restrict the visibility of* the



information;

Or. en

**Amendment 1156**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1157**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) decisions *to remove or not to* remove or disable access to the information;

Or. en

**Amendment 1158**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) decisions to suspend or terminate the provision of the service, in whole or in part, to the recipients;

(b) decisions ***to suspend or terminate or not*** to suspend or terminate the provision of the service, in whole or in part, to the recipients;

Or. en

#### **Amendment 1159**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) decisions to suspend or terminate the provision of the service, in whole or in part, to the recipients;

(b) decisions ***whether or not*** to suspend or terminate the provision of the service, in whole or in part, to the recipients;

Or. en

#### **Amendment 1160**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) decisions to suspend or terminate the provision of the service, in whole or in part, to the recipients;

(b) decisions ***whether or not*** to suspend or terminate the provision of the service, in whole or in part, to the recipients;

Or. en

#### *Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be*

*lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

#### **Amendment 1161**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

(c) decisions **to suspend or terminate or not** to suspend or terminate the recipients' account.

Or. en

#### **Amendment 1162**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

(c) decisions **whether or not** to suspend or terminate the recipients' account.

Or. en

#### *Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

**Amendment 1163**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) decisions ***whether or not*** to suspend or terminate the recipients' account.

Or. en

**Amendment 1164**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ca) any other decisions that affect the availability, visibility or accessibility of that content or the account of the recipient's access to significant features of the platform's regular services.***

Or. en

**Amendment 1165**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ca) decisions whether or not to restrict the ability to monetise content provided by the recipients;***

*Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

**Amendment 1166**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róza Thun und Hohenstein, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ca) decisions to radically restrict the visibility of content provided by the recipients,***

Or. en

**Amendment 1167**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo, Karen Melchior**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ca) decisions to restrict the ability to monetise content provided by the recipients;***

Or. en

**Amendment 1168**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ca) decisions to restrict the ability to monetise content provided by the recipients.**

Or. en

**Amendment 1169**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoş, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ca) decisions to restrict the ability to monetize content provided by the recipients.**

Or. en

*Justification*

*For some pieces of content the solely reason to upload to a selected platform is to seek remuneration. Therefore the removal of remuneration could be seen as equal to removal*

**Amendment 1170**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) decisions of online marketplaces to**

*suspend the provisions of their services to traders;*

Or. en

**Amendment 1171**

**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róza Thun und Hohenstein, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) decisions to restrict the ability to monetise content provided by the recipients,***

Or. en

**Amendment 1172**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) decisions whether or not to apply labels or additional information on content.***

Or. en

*Justification*

*The regulation's internal complaint-handling systems must also allow for complaints to be lodged against decisions to refrain from taking action on allegedly illegal content or content that is incompatible with terms & conditions, since inaction also constitutes a decision. To remain consistent with the additional reporting obligations, two additional provisions are added to cover decisions to restrict or not the monetization of content, and decisions to or not to apply labels or additional information on content.*

**Amendment 1173**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. When the decision to remove or disable access to the information is followed by the transmission of this information in accordance with Article 15a, the period of at least six months as set out in paragraph 1 shall be considered to start from the day on which the recipient was informed in accordance with Article 15(2).**

Or. en

**Amendment 1174**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Internal complaint-handling services concerning recipients established in the European Union shall be established in the European Union.**

Or. fr

**Amendment 1175**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 17 – paragraph 2**



*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1176**

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

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

*Text proposed by the Commission*

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

*Amendment*

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints. ***The complainant shall be able to enter free written explanations in addition to the pre-established complaint options.***

Or. en

**Amendment 1177**  
**Geert Bourgeois**

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

*Text proposed by the Commission*

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

*Amendment*

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints. ***Complaints shall be handled in a language chosen by the service recipient.***

Or. nl

**Amendment 1178**

**David Lega, Hilde Vautmans, Brando Benifei, Antonio López-Istúriz White, Milan Brglez, Dragoş Pişlaru, Alex Agius Saliba, Eva Kaili, Ioan-Rareş Bogdan, Josianne Cutajar**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1179**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Article 17 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***When the decision to remove or disable***

*access to the information is followed by the transmission of this information in accordance with Article 15a, the period of at least six months referred to in paragraph 1 of this Article begins on the day on which the information was given to the recipient in accordance with Article 15.*

Or. en

### **Amendment 1180**

**Alexandra Geese, Rasmus Andresen, Marcel Kolaja, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation** **Article 17 – paragraph 3**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

#### *Justification*

*Non-arbitrary is defined in case law, whereas it is unclear what "objective" means for a private businesses.*

## Amendment 1181

Geoffroy Didier, Brice Hortefeux, Nathalie Colin-Oesterlé

### Proposal for a regulation

#### Article 17 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 1182

Tomislav Sokol, Ivan Štefanec

### Proposal for a regulation

#### Article 17 – paragraph 3

*Text proposed by the Commission*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent **and objective** manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the

*Amendment*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely **and** diligent manner, **objectively and in accordance with the rules of the profession**. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information

suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

Or. en

### **Amendment 1183**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3**

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

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

##### *Amendment*

3. Online platforms shall handle complaints submitted through their internal complaint-handling ***diligently, objectively and without undue delay, but no later than 10 days after submission.*** Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

Or. en

### **Amendment 1184**

**Jean-Lin Lacapelle, Virginie Joron**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3**

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

3. Online platforms shall handle complaints submitted through their internal

##### *Amendment*

3. Online platforms shall handle complaints submitted through their internal

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

complaint-handling system in a timely, diligent and objective manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

Or. fr

#### **Amendment 1185**

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

#### **Proposal for a regulation Article 17 – paragraph 3**

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

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

##### *Amendment*

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

Or. en

## Amendment 1186

Adam Bielan, Kosma Zlotowski, Beata Mazurek

### Proposal for a regulation

#### Article 17 – paragraph 4

*Text proposed by the Commission*

4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.

*Amendment*

4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities. ***The decision mentioned in this paragraph shall also include:***

***- information on whether the decision referred to in paragraph 1 was taken as a result of human review or through automated means;***

***- in case the decision referred to in paragraph 1 is upheld, a detailed explanation on how the information to which the complaint relates to is in breach of the platform's terms and conditions or why the online platform considers the information to be unlawful.***

Or. en

## Amendment 1187

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

### Proposal for a regulation

#### Article 17 – paragraph 4

*Text proposed by the Commission*

4. Online platforms shall inform complainants ***without undue delay*** of the decision they have taken in respect of the information to which the complaint relates

*Amendment*

4. Online platforms shall ***promptly*** inform complainants of the decision they have taken in respect of the information to which the complaint relates and shall

and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.

inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.

Or. en

**Amendment 1188**  
**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**  
**Article 17 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. In cases where a complaint of a business user does not result in a decision of the online platform within two weeks, the business user is entitled to present the case to an out of court settlement body in accordance with Article 18.**

Or. en

**Amendment 1189**  
**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**  
**Article 17 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Online platforms shall ensure that the decisions, referred to in paragraph 4 are taken by lawyers with at least five years of professional experience.**

Or. en

**Amendment 1190**  
**Marcel Kolaja**



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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1191**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 1192

Adam Bielan, Kosma Zlotowski, Beata Mazurek

### Proposal for a regulation

#### Article 17 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means. ***Complainants shall have the right to request human review and consultation with relevant online platforms' staff with respect to content to which the complaint relates to.***

Or. en

## Amendment 1193

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior, Marco Zullo

### Proposal for a regulation

#### Article 17 – paragraph 5

*Text proposed by the Commission*

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

*Amendment*

5. Online platforms shall ensure ***that recipients of the service are given the possibility, where necessary, to contact a human interlocutor at the time of the submission of the complaint and*** that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

Or. en

## Amendment 1194

Tomislav Sokol, Ivan Štefanec

### Proposal for a regulation

#### Article 17 – paragraph 5

*Text proposed by the Commission*

*Amendment*

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

5. ***The decisions referred to in paragraph 4 may exceptionally be taken by automated means in which case, the*** Online platforms shall ensure that ***such*** decisions ***are supervised by lawyers with at least five years of professional experience.***

Or. en

#### **Amendment 1195**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

#### *Justification*

*Human decisions are only needed where the result would be negative for the recipient. Automated problem solving when positive for the recipient might be faster and easier to solve a situation.*

#### **Amendment 1196**

**Jean-Lin Lacapelle, Virginie Joron**

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

*Text proposed by the Commission*

*Amendment*

5. Online platforms shall ensure that

5. Online platforms shall ensure that

the decisions, referred to in paragraph 4, are not *solely* taken on the basis of automated means.

the decisions, referred to in paragraph 4, are not taken on the basis of automated means.

Or. fr

**Amendment 1197**

**Adam Bielan, Kosma Zlotowski, Beata Mazurek**

**Proposal for a regulation**

**Article 17 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Recipients of the service negatively affected by the decision of an online platform shall have the possibility to seek swift judicial redress in accordance with the laws of the Member States concerned. The procedure shall ensure that an independent judicial authority decides on the matter without undue delay, reaching a decision within 14 working days while granting the negatively affected party the right to seek interim measures to be imposed within 48 hours from when their redress is brought before this judicial authority. The rights to seek judicial redress and to obtain interim measures shall not be limited or subjected to the condition of exhausting the internal complaint-handling system.***

Or. en

**Amendment 1198**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 18**

*Text proposed by the Commission*

*Amendment*

***[...]***

***deleted***

**Amendment 1199**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation****Article 18 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

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

*Amendment*

Recipients of the service ***and organisations mandated under Article 68***, shall be entitled to select any out-of-court dispute ***settlement body*** that has been certified in accordance with paragraph 2 in order to resolve disputes relating to ***the decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions***, including complaints that could not be resolved by means of the internal complaint-handling system referred to in Article 17. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body. ***Online platforms shall not be liable for implementing decisions of a dispute settlement procedure.***

***The first subparagraph is without prejudice to the right of the recipient concerned to seek redress against the decision before a court in accordance with the applicable law.***

**Amendment 1200**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

## Proposal for a regulation

### Article 18 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall ***always direct recipients to an out-of-court dispute settlement body. The information about the competent out-of-court body shall be easily accessible on the online interface of the online platform in a clear and an user-friendly manner.***

Or. en

## Amendment 1201

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

## Proposal for a regulation

### Article 18 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute ***settlement body*** that has been certified in accordance with paragraph 2 ***and established in the Member State of the provider or the Member State of the recipient,*** in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with

bound by the decision taken by the body.

the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

Or. en

#### *Justification*

*While it is logical to allow a recipient to select a body in the Member State of the provider or their own Member State, there does not seem to be a reason to allow a recipient to choose a third party Member State for such a dispute settlement. This would only lead to forum shopping.*

#### **Amendment 1202**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 1 – subparagraph 1**

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

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

##### *Amendment*

Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body. ***Out-of-court dispute settlement shall be carried out within 45 days after submission.***

Or. en

#### **Amendment 1203**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1204**  
**Karen Melchior**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en



**Amendment 1205**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Evelyne Gebhardt, Monika Beňová, Marc Angel**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*The first subparagraph* is without prejudice to the right of the recipient concerned to redress against the decision before a court in accordance with the applicable law.

*Amendment*

*Paragraph 1* is without prejudice to the right of the recipient concerned to redress against the decision before a court in accordance with the applicable law.

Or. en

**Amendment 1206**

**Barbara Thaler**

**Proposal for a regulation**

**Article 18 – paragraph 1 a (new)**

*Text proposed by the Commission*

*1a. In cases where the recipient of the service addressed by the decision referred to in Article 17 (1) is a business user, the online platform is obliged to submit to the jurisdiction of the independent dispute settlement body. The out of court dispute settlement body will take its decision without undue delay after the presentation of arguments of the parties concerned, in any case within a time span of no more than 45 days after the formal opening of the procedure.*

*Amendment*

Or. en

**Amendment 1207**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 18 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Where a recipient seeks a resolved to multiple complaints, either party may request that the out-of-court dispute settlement body treats and resolves these complaints in a single dispute decision.**

Or. en

*Justification*

*A removal of an account, for example, means the removal of potentially hundreds of individual pieces of content. To address these content individually would be not possible and would potentially block the system*

**Amendment 1208**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**  
**Article 18 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Online platforms shall engage, in good faith, with the independent, external certified body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.**

Or. en

**Amendment 1209**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

***(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms and, without undue delay disclose to the out-of-court dispute settlement body any circumstances that may, or may be seen to, affect their independence and impartiality or give rise to a conflict of interest with either party to the dispute they are asked to resolve. The obligation to disclose such circumstances shall be a continuing obligation throughout the out-of-court dispute settlement procedure;***

***(aa) it is not subject to any instructions from either party or their representatives;***

***(ab) it is remunerated in a way that is not linked to the outcome of the procedure;***

Or. en

**Amendment 1210**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

2. The Digital Services Coordinator of the Member State where the **independent** out-of-court dispute settlement body is established shall, at the request of that body, certify the body **for a maximum of**

that it meets all of the following conditions:

***three years, which can be renewed***, where the body has demonstrated that it meets all of the following conditions:

Or. en

#### **Amendment 1211**

**Karen Melchior, Anna Júlia Donáth**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and is legally distinct from and functionally independent of the government of the Member State or any other public or related private body;***

Or. en

#### **Amendment 1212**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and is legally distinct from and functionally independent of the government of the Member State or any other public or private body;***

Or. en

#### **Amendment 1213**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róža Thun und Hohenstein, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) it is ***independent, including financially*** independent, ***and impartial*** of online platforms and recipients of the service provided by the online platforms ***and of individuals or entities that have submitted notices***;

Or. en

#### **Amendment 1214**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and its members are remunerated in a way that is not linked to the outcome of the procedure***;

Or. en

#### **Amendment 1215**

**Marcel Kolaja**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

(a) it is impartial and independent of online platforms, ***any third party involved in the dispute*** and recipients of the service provided by the online platforms;

Or. en

**Amendment 1216**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(aa) it is composed of legal experts;***

Or. en

**Amendment 1217**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

*(Does not affect the English version.)*

Or. fr

**Amendment 1218**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1219**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1220**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 18 – paragraph 2 – subparagraph 1 – point b c (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1221**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

(c) the dispute settlement is easily accessible through electronic communication technology ***and provides for the possibility to submit a complaint and the requisite supporting documents online;***

Or. en

**Amendment 1222**

**Ivan Štefanec**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

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



**Amendment 1223**  
**Jordi Cañas, Maite Pagazaurtundúa**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1224**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1225**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1226**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1227**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1228**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1229**

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

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

(d) it is capable of settling dispute in a swift, efficient, **accessible for persons with disabilities**, and cost-effective manner and in one official language of the Union **and at least in the language of the recipient to whom the decision referred to in Article 17 is addressed;**

Or. en

**Amendment 1230**

**Clara Ponsatí Obiols**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

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

*the Member State where the out-of-court dispute settlement body is established;*

Or. en

### **Amendment 1231**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### **Amendment 1232**

**Ivan Štefanec**

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### *Justification*

*Ensuring accessibility means not only ensuring services and platforms are accessible, but also that the whole ‘ecosystem’, including systems of legal remedies and bargaining measures are accessible. So, for example, if an out-of-court dispute mechanism is not accessible for persons with disabilities, they will have far less protection of rights as consumers or other users (e.g. businesses).*

## Amendment 1233

Jordi Cañas, Maite Pagazaurtundúa

### Proposal for a regulation

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

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

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

##### *Amendment*

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

Or. en

##### *Justification*

*Ensuring accessibility means not only ensuring services and platforms are accessible, but also that the whole ‘ecosystem’, including systems of legal remedies and bargaining measures are accessible. So, for example, if an out-of-court dispute mechanism is not accessible for persons with disabilities, they will have far less protection of rights as consumers or other users (e.g. businesses).*

## Amendment 1234

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

### Proposal for a regulation

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

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

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

##### *Amendment*

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

Or. en

### Amendment 1235

Martin Schirdewan, Anne-Sophie Pelletier

#### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### Amendment 1236

Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

#### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure ***that are clearly visible and easily accessible to all parties concerned and in full compliance with all applicable law.***

Or. en

### Amendment 1237

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

#### Proposal for a regulation

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

*Text proposed by the Commission*

(e) the dispute settlement takes place in

*Amendment*

(e) the dispute settlement takes place in

accordance with clear and fair rules of procedure.

accordance with clear and fair rules of procedure *which are easily and publicly accessible*.

Or. en

**Amendment 1238**

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

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 1239**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 1240

Alex Agius Saliba, Christel Schaldemose

### Proposal for a regulation

#### Article 18 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.

*Amendment*

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively. ***The Digital Services Coordinator shall conduct regular checks with the certified bodies to ensure that the out-of-court resolution body comply with the requirements listed under paragraph 2a on an ongoing basis.***

Or. en

## Amendment 1241

Clara Ponsatí Obiols

### Proposal for a regulation

#### Article 18 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.

*Amendment*

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union ***or of the Member State*** in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.

Or. en



**Amendment 1242**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 18 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Digital Services Coordinator shall reassess on a yearly basis whether the certified out-of-court dispute settlement body continues to fulfil the listed criteria. If this is not the case, the Digital Services Coordinator shall revoke the status from the out-of-court dispute settlement body.**

Or. en

**Amendment 1243**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

**Article 18 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Certified out-of-court dispute settlement bodies shall draw up annual reports listing the number of complaints received annually, the outcomes of the decisions delivered, any systematic or sectoral problems identified, and the average time taken to resolve the disputes.**

Or. en

**Amendment 1244**

**Karen Melchior, Anna Júlia Donáth**

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

*Text proposed by the Commission*

*Amendment*

**2a. Certified out of court dispute settlement bodies shall conclude dispute resolution proceedings within a reasonable period of time and no later than 90 calendar days after the date on which the certified body has received the complaint.**

Or. en

**Amendment 1245**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 18 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.  
***Out-of-court dispute settlement procedures should preferably be free of charge for the consumer. In the event that costs are applied, the procedure should be accessible, attractive and inexpensive for consumers. To that end, costs should not exceed a nominal fee.***

Or. en

*Justification*

*technical amendment to align it with the other articles.*

## Amendment 1246

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri  
on behalf of the ID Group

### Proposal for a regulation

#### Article 18 – paragraph 3 – subparagraph 1

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

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. ***If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.***

##### *Amendment*

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement.

Or. en

## Amendment 1247

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 18 – paragraph 3 – subparagraph 1

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

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

##### *Amendment*

If the body decides the dispute in favour of the recipient of the service ***or organisations mandated under Article 68***, the online platform shall reimburse the recipient ***or organisation*** for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient ***or organisation*** shall not be required to reimburse any fees or other expenses that the online platform paid or is

to pay in relation to the dispute settlement.

Or. en

#### **Amendment 1248**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 3 – subparagraph 1**

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

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

##### *Amendment*

If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, ***and the body does not find the recipient acted in bad faith in the dispute***, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

Or. en

##### *Justification*

*Such systems are open to abuse. Abusers should be subject to potential costs.*

#### **Amendment 1249**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation**

#### **Article 18 – paragraph 3 – subparagraph 2**

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

The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs

##### *Amendment*

The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs

thereof.

thereof. ***Out-of-court dispute settlement procedures should preferably be free of charge for the consumer. In the event that costs are applied, the procedure should be accessible, attractive and inexpensive for consumers. To that end, costs shall not exceed a nominal fee.***

Or. en

## **Amendment 1250**

**Alex Agius Saliba, Christel Schaldemose**

### **Proposal for a regulation**

#### **Article 18 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Certified out-of-court dispute settlement bodies shall adopt a decision seeking to resolve the dispute no later than 90 calendar days starting on the date on which the certified body has received the complaint.***

***3b. Certified out-of-court dispute settlement bodies shall draw up annual reports listing the number of complaints received annually, the outcomes of the decisions delivered, any systematic or sectoral problems identified, and the average time taken to resolve the disputes.***

Or. en

#### *Justification*

*There should be a deadline for the ADR providers for processing complaints. Under Article 8 of the Consumer ADR directive, it is not more than 90 days. Similarly, ADR entities under the DSA should have an obligation to draw up annual reports highlighting inter alia the number of complaints received, any systematic or recurrent problems, the average time taken to resolve a dispute. When doing so, they should base their analysis on but should not be limited to the information submitted by platforms under Article 23 of the DSA. This is because ADR bodies need to provide their insights in an independent manner. This would be very useful both to address any serious incompliances with the DSA and, if the gaps are identified, for further eventual improvements of the DSA and its enforcement.*

## Amendment 1251

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

### Proposal for a regulation

#### Article 18 – paragraph 5

*Text proposed by the Commission*

5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph. The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated.

*Amendment*

5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph ***as well as out-of-court dispute settlement bodies whose status has been revoked.*** The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated.

Or. en

## Amendment 1252

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 18 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

***6a. By 31 December 2024, and every two years thereafter, Digital Services Coordinators shall assess whether the dispute settlement bodies that they have been certified in accordance with paragraph 2 comply with the requirements of this Regulation. Each Digital Services Coordinator shall publish and send to the Agency a report on the development and functioning of those bodies. That report shall in particular:***

- (a) identify best practices of the out-of-court dispute settlement bodies;*
- (b) report on any demonstrable shortcomings, supported by statistics, that hinder the functioning of the out-of-court dispute settlement bodies for both domestic and cross-border disputes, where appropriate;*
- (c) make recommendations on how to improve the effective and efficient functioning of the out-of-court dispute settlement bodies, where appropriate.*

Or. en

**Amendment 1253**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*6a. This Article is without prejudice to the provisions laid down in Article 43 concerning the ability of recipients of the services to file complaints with the Digital Services Coordinator of their country of residence or in the case of very large online platforms, the Commission.*

Or. en

**Amendment 1254**  
**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*6a. Member States shall establish a mechanism enabling the recipients of the service to contest decisions of out-of-court*

*dispute settlement bodies before a national judicial authority or an administrative authority relevant for resolving disputes related to particular content.*

Or. en

**Amendment 1255**

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

**Proposal for a regulation**

**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. This Article shall only take effect on providers other than very large online platforms from [24 months after the date of entry into force of this Regulation].**

Or. en

*Justification*

*Setting up such a system, especially if it is not the same rules as under the P2B Regulation, will take time. This extra time should be provided for.*

**Amendment 1256**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18a**

**Burden of proof**

**The rules on the burden of proof shall be shifted back to the providers of hosting services whether an information constitutes legal or illegal content.**



Or. en

**Amendment 1257**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 19**

*Text proposed by the Commission*

*Amendment*

[...]

*delete*

Or. nl

**Amendment 1258**

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

**Proposal for a regulation**  
**Article 19**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 1259**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**  
**Article 19**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

## Amendment 1260

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### Proposal for a regulation Article 19 – paragraph 1

#### *Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without *delay*.

#### *Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers, ***acting within their designated area of expertise***, through the mechanisms referred to in Article 14, are processed and decided upon with priority and ***expeditiously, taking into account due process. The use of automated notices by trusted flaggers without effective human review shall not be accepted as a valid means of submission.***

Or. en

## Amendment 1261

Adam Bielan, Kosma Złotowski, Beata Mazurek

### Proposal for a regulation Article 19 – paragraph 1

#### *Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

#### *Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by ***competent*** trusted flaggers, ***addressing allegedly illegal content that can seriously affect public security, policy or consumers' health or safety*** through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

Or. en

## Amendment 1262

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Barbara Thaler

### Proposal for a regulation

#### Article 19 – paragraph 1

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

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

##### *Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by ***certified*** trusted flaggers, ***within their designated area of expertise***, through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay, ***depending on the severity of the illegal activity***.

Or. en

##### *Justification*

*To establish that trusted flaggers should only be prioritised when they submit notices within their area of expertise and that notices should be prioritised depending on the severity of the illegal activity.*

## Amendment 1263

Maria Grapini, Evelyne Gebhardt

### Proposal for a regulation

#### Article 19 – paragraph 1

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

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

##### *Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers, ***having regard to their expertise***, through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

Or. en

**Amendment 1264**  
**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon *with priority and* without delay.

*Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon without delay.

Or. en

**Amendment 1265**  
**Tomislav Sokol, Ivan Štefanec**

**Proposal for a regulation**  
**Article 19 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The notices submitted by trusted flaggers do not in any way affect other notices. All notices submitted under those mechanisms referred to in Article 14 are processed and decided upon without delay and in accordance with the rules of the profession.***

Or. en

**Amendment 1266**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The status of trusted flaggers under

2. ***The status of trusted flaggers***

this Regulation *shall* be awarded, upon application by any entities, by *the Digital Services Coordinator of the Member State in which the applicant is established*, where the applicant has demonstrated to meet all of the following conditions:

*conferred shall only apply in respect of the platform that conferred it*. The status of trusted flaggers under this Regulation *may* be awarded, upon application by any entities, by *any online platform*, where the applicant has demonstrated to meet all of the following conditions:

Or. en

#### **Amendment 1267**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 19 – paragraph 2 – introductory part**

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

2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any *entities*, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:

##### *Amendment*

2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any *entity*, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:

Or. en

#### **Amendment 1268**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 19 – paragraph 2 – point a**

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

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

##### *Amendment*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content, *as well as intentional manipulation and exploitation of the service in the sense of Article 26, paragraph 1(c)*;

**Amendment 1269**

**Andrey Kovatchev, Sandra Kalniete, Rasa Juknevičienė, Dace Melbārde**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

*Amendment*

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

Or. en

*Justification*

*There should be no ambiguity in the regulation about the right of “trusted flaggers” to notify providers of information that is incompatible with the provider’s terms & conditions via the notice and action mechanisms set out in Article 14. By adding an explicit reference to the terms & conditions in Article 19, this regulation would give trusted flaggers sufficient grounds to effectively carry out their activities. More generally, this regulation should aim to support the activities of trusted flaggers. Many platforms already operate “trusted flagger” programmes for this purpose. Trusted flaggers help level the playing field for non-dominant (non-VLOP) platforms as well as for smaller operators that employ more artisanal or community-reliant content moderation strategies.*

**Amendment 1270**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

*Amendment*

(a) it has particular expertise and competence **that could be exercised in one or more Member States** for the purposes of detecting, identifying and notifying **specific types of** illegal content;

Or. en

### Amendment 1271

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

#### Proposal for a regulation

##### Article 19 – paragraph 2 – point a

*Text proposed by the Commission*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

*Amendment*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying ***allegedly*** illegal content;

Or. en

### Amendment 1272

Andrea Caroppo, Salvatore De Meo, Carlo Fidanza

#### Proposal for a regulation

##### Article 19 – paragraph 2 – point b

*Text proposed by the Commission*

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

*Amendment*

(b) it ***has a significant legitimate interest, either collectively or as individual entity***, is independent from any online platform, ***and has a proven expertise of flagging illegal content with a high rate of accuracy***;

Or. en

### Amendment 1273

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior

#### Proposal for a regulation

##### Article 19 – paragraph 2 – point b

*Text proposed by the Commission*

(b) it represents collective interests and

*Amendment*

(b) it represents collective interests and

is independent from any online platform;

is independent from any online platform,  
*law enforcement, or other government or  
relevant commercial entity;*

Or. en

#### **Amendment 1274**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

(b) it represents collective interests and is independent from any online platform,  
*law enforcement, or other government or  
relevant commercial entity;*

Or. en

*Justification*

*Normally, public bodies should use the legal system to notify illegal content.*

#### **Amendment 1275**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

(b) it represents collective interests and is independent from any online platform,  
*law enforcement or governmental entity;*

Or. en



**Amendment 1276**

**Brando Benifei, Monika Beňová, Maria Grapini**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

(b) it ***is an individual rightholder or*** represents collective interests and is independent from any online platform;

Or. en

**Amendment 1277**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

(b) it represents ***public*** interests and is independent from any online platform ***or state law enforcement***;

Or. en

**Amendment 1278**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

(b) it is independent from any online platform;

Or. en

*Justification*

*So that private entities can also be certified as trusted flaggers, as long as they fulfil all applicable criteria.*

**Amendment 1279**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) it is exceptionally allowed to flag content in the field of its expertise, defined by the official description of the institution or company,***

Or. en

**Amendment 1280**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.

(c) it carries out its activities for the purposes of submitting notices in a timely, diligent, ***accurate*** and objective manner.

Or. en

**Amendment 1281**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.

*Amendment*

(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner;

Or. fr

**Amendment 1282**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) it publishes, at least once a year, clear, easily comprehensible and detailed reports on all notices submitted in accordance with Article 14 during the relevant period. The report shall list:***

***- notices categorised by the identity of the provider of hosting services;***

***- the type of content notified;***

***- the specific legal provisions allegedly breached by the content notified;***

***- the action taken by the provider;***

***- any potential conflicts of interest and sources of funding, and an explanation of the procedures in place to ensure the trusted flagger maintains its independence.***

Or. en

**Amendment 1283**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) it neither expresses nor relays a political or partisan position, nor represents an economic interest, with the exception of consumer protection and defence organisations and environmental organisations.***

Or. fr

**Amendment 1284**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) it is legally distinct from and functionally independent of the government of the Member State or any other public or private body;***

Or. en

**Amendment 1285**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoş, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) it has a transparent funding structure, including publishing the sources and amounts of all revenue annually***

Or. en

*Justification*

*They should be transparent about their funding.*

**Amendment 1286**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) it is not already a trusted flagger in another Member State.***

Or. en

*Justification*

*Clarification of the procedure*

**Amendment 1287**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher, Bart Groothuis**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

***(cc) it publishes, at least once a year, clear, easily comprehensible and detailed reports on any notices submitted in accordance with Article 14 during the relevant period. The report shall list notices categorised by the identity of the hosting service provider, the type of alleged illegal or terms and conditions violating content concerned, and what action was taken by the provider. In addition, the report shall identify relationships between the trusted flagger and any online platform, law***

*enforcement, or other government or relevant commercial entity, and explain the means by which the trusted flagger maintains its independence.*

Or. en

*Justification*

*Trusted Flaggers should be fully transparent as to their actions, including by producing a report each year.*

**Amendment 1288**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 19 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*By way of derogation from point (b), a public entity may be awarded with the status of trusted flagger for non-intellectual property right related actions.*

Or. en

*Justification*

*normally, a public body should use the legal system to notify illegal content or acts, but if not related to IPR, there may be merits do allowing them to use the trusted flagger system.*

**Amendment 1289**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Online platforms may treat other**

*third parties considered by the provider to have particular expertise and responsibilities for the purposes of tackling illegal content online as equal to a trusted flagger as to the mechanisms referred to Article 14. The conditions for granting such treatment shall be clearly set out and objective and shall be communicated to the Digital Services Coordinator of establishment. The names of such third parties shall be published in a clear and easily findable manner.*

Or. en

*Justification*

*While clarified in a recital, this should also be stated in the operational part of the regulation*

**Amendment 1290**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. An online platform that has conferred the status of trusted flagger on any entity may revoke that status at any time by written notice to the entity concerned. Such revocation shall not affect the entity's status as a trusted flagger conferred by any other online platform.*

Or. en

**Amendment 1291**  
**Clara Ponsatí Obiols**

**Proposal for a regulation**  
**Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Law enforcement agencies will not be awarded the status of trusted flaggers.**

Or. en

**Amendment 1292**

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 19 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. An online platform shall make the a list of its trusted flaggers publicly available on its platform.**

Or. en

**Amendment 1293**

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 19 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1294**

**Adam Bielan, Kosma Zlotowski, Beata Mazurek**



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

*Text proposed by the Commission*

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

*Amendment*

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2. ***This communication shall include the geographical scope within which the trusted flagger competence was recognised based on the approval of a particular Digital Services Coordinator and information on expertise and competence declared by the trusted flagger.***

Or. en

**Amendment 1295**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

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

*Amendment*

3. Digital Services Coordinators shall ***award the trusted flagger status for periods of three years, upon which the status may be renewed where the trusted flagger concerned continues to meet the requirements of this Regulation, and shall*** communicate to the ***Agency*** the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.

Or. en

### **Amendment 1296**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler**

#### **Proposal for a regulation**

##### **Article 19 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2 ***or have been revoked in accordance with paragraph 6.***

Or. en

### **Amendment 1297**

**Evžen Tošenovský**

#### **Proposal for a regulation**

##### **Article 19 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

Or. en

### **Amendment 1298**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

#### **Proposal for a regulation**

##### **Article 19 – paragraph 4**

*Text proposed by the Commission*

4. The Commission shall publish the

*Amendment*

4. The Commission shall publish the

information referred to in paragraph 3 in a publicly available database and keep the database updated.

information referred to in paragraph 3 in a publicly available database and keep the database updated. ***Notices referred to in paragraph 1 of this Article shall be proceeded with priority with respect to the geographical scope of the trusted flagger, according to awarding of the status by Member States.***

Or. en

#### **Amendment 1299**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 19 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

4. The Commission shall publish the information referred to in ***paragraphs 3 and 6*** in a publicly available database ***in an easily accessible and machine-readable format*** and keep the database updated.

Or. en

#### **Amendment 1300**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

#### **Proposal for a regulation** **Article 19 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Trusted flaggers shall provide the Digital Services Coordinator of establishment with clear and accessible reports on notices they sent during the relevant period, at least once every three years. Those reports shall include information on:***

***(a) the number of notices submitted in***

*accordance with Article 14, categorised by the type of presumed illegal content concerned;*

*(b) the number and percentage of notices that led to the removal or suspension of the content concerned; and*

*(c) the number of notices that were considered to be insufficiently precise or inadequately substantiated by the online platforms.*

Or. en

#### **Amendment 1301**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

#### **Proposal for a regulation**

#### **Article 19 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*4a. Member States may recognise entities, that were awarded the status of trusted flaggers in another Member State as a trusted flagger on their own territory. Upon request by a Member State, trusted flaggers can be awarded the status of European trusted flagger by the Board, in accordance with Article 48, paragraph 2. The Commission shall keep register of European trusted flaggers.*

Or. en