



2020/0361(COD)

24.6.2021

AMENDMENTS

272 - 591

Draft opinion

Henna Virkkunen

(PE693.552v01-00)

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

Proposal for a regulation

(COM(2020)0825 – C9-0418/2020 – 2020/0361(COD))

Amendment 272 Robert Roos

Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Orders to act against illegal content

Amendment

Orders to act against **proven** illegal content

Or. en

Amendment 273
Robert Roos

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 274
Mikuláš Peksa
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Providers of intermediary services shall, upon the receipt of an order to act

Amendment

1. Providers of intermediary services shall, upon the receipt of an order to act

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

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

Or. en

Justification

As courts are the ones determining the legality, any assimilated path needs to be defined in the MS legislation, as an exception that needs no EU level acknowledgement.

Amendment 275

Robert Roos

Proposal for a regulation

Article 8 – paragraph 2 – point a – indent 1

Text proposed by the Commission

— a statement of reasons explaining why the *information is illegal content*, by reference to the specific provision of Union or national law infringed;

Amendment

— a statement of reasons explaining why the *content was proven illegal*, by reference to the specific provision of Union or national law infringed;

Or. en

Amendment 276

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 8 – paragraph 2 – point a – indent 3

Text proposed by the Commission

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

Amendment

— information about redress *mechanisms* available to the provider of the service and to the recipient of the service who provided the content;

Justification

The mere information that redress is not sufficient to ensure that users can also exercise their rights.

Amendment 277

Gianna Gancia, Elena Lizzi

Proposal for a regulation

Article 8 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) compliance with the measures in the order should be technically feasible taking into account the available technical capabilities of the service provider concerned;

Or. en

Amendment 278

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Chapter III – title

Text proposed by the Commission

Amendment

Due diligence obligations for a transparent and safe online environment

Due diligence obligations for a transparent, ***accessible*** and safe online environment

Or. en

Amendment 279

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact.

Amendment

2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact. ***Providers of intermediary services shall at least communicate to the Commission and the Board the contact details of their single point of contact. They shall ensure that that information is up to date.***

Or. en

Amendment 280

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 10 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Any requests to providers of intermediary services, made on the basis of this legislation, shall be transmitted through the Digital Service Coordinator in the Member State of establishment, who is responsible for collecting requests and communication from all relevant sources.

Or. en

Justification

Change needed for legal clarity

Amendment 281

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10 a

Accessibility requirements for intermediary services

- 1. Providers of intermediary services which offer services in the Union shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.*
- 2. Providers of intermediary services shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in written and oral format, including in a manner which is accessible to persons with disabilities. Intermediary service providers shall keep that information for as long as the service is in operation.*
- 3. Providers of intermediary services shall ensure that information, forms and measures provided pursuant to Articles 10 new (9), 12(1), 13(1), 14(1) and (5), 15(3) and (4), 17(1), (2) and (4), 23(2), 24, 29(1) and (2), 30(1), and 33(1) are made available in a manner that they are easy to find, accessible to persons with disabilities, and do not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.*
- 4. Providers of intermediary services which offer services in the Union shall ensure that procedures are in place so that the provision of services remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the provision of the*

service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements shall be adequately taken into account by the provider of intermediary services.

5. In the case of non-conformity, providers of intermediary services shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements. Furthermore, where the service is not compliant with applicable accessibility requirements, the provider of the intermediary service shall immediately inform the Digital Services Coordinator of establishment or other competent national authority of the Member States in which the service is established, to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.

6. Provider of intermediary services shall, further to a reasoned request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.

7. Intermediary services which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.

8. Intermediary services which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be

presumed to be in conformity with the accessibility requirements of this Regulation in so far as those technical specifications or parts thereof cover those requirements.

9. All intermediary services shall, at least once a year, report to Digital Service Coordinators or other competent authorities on their obligation to ensure accessibility for persons with disabilities as required by this Regulation. 10. In addition to Article 44 (2), Digital Services Coordinators shall include measures taken pursuant to this article.

Or. en

Amendment 282
Robert Roos

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. The designated legal representative can be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider of intermediary services.

deleted

Or. en

Justification

The parent company shall solely be liable, as the legal representative in the end has no control over the parent.

Amendment 283
Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Maria da Graça Carvalho, Pernille Weiss, Sara Skyttedal

Proposal for a regulation

Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Providers of intermediary services that qualify as micro, small or medium-sized enterprise (SME) within the meaning of the Annex to Recommendation 2003/361/EC, and who have been unsuccessful in obtaining the services of a legal representative after reasonable effort, shall be able to request that the Digital Service Coordinator of the Member State where the enterprise intends to establish a legal representative facilitates further cooperation and recommends possible solutions, including possibilities for collective representation.

Or. en

Amendment 284

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Providers of intermediary services that qualify as small or micro enterprises within the meaning of the Annex to Recommendation 2003/361/EC, and who have been unsuccessful in obtaining the services of a legal representative after reasonable effort, shall be able to stablish collective representation under the guidance of the Digital Service Coordinator of the Member State where the enterprise intends to establish a legal representative.

Or. en

Amendment 285
Miapetra Kumpula-Natri

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11 a

Articles 12 and 13 of Section 1, and the provisions of Section 2, and Section 3 of Chapter III shall not apply to:

(a) editorial platforms within the meaning of Article 2 (ha) of this Regulation;

(b) an intermediary service, except very large online platforms, where it would constitute a disproportionate burden in view of its size, the nature of its activity and the risk posed to users.

Or. en

Amendment 286

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Martin Hojsík

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

Text proposed by the Commission

Amendment

-1. Providers of intermediary services shall ensure that their terms and conditions prevent the recipients of their services from providing information that is not compliant with Union law or the law of the Member State where the information is provided. Any additional restrictions that providers of intermediary services may impose in relation to the use of their service and the information provided by the recipients of the service shall be in full compliance with the fundamental rights of the recipients of the services as enshrined in the Charter.

Amendment 287
Eva Kaili

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 288

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Adriana Maldonado López

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Providers of intermediary services shall include information on ***the activities undertaken by them*** in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That

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

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

Or. en

Justification

This provision is dedicated to content moderation practices. “Any restrictions” is wider than the definition of content moderation in Art. 2p. Therefore, the terms and conditions article is aligned with the definition in Article 2.p.

Amendment 289

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Change needed for legal clarity

Amendment 290

Eva Kaili

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 291

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 292

Maria Spyra

Proposal for a regulation

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *Where very large online platforms within the meaning of Article 25 of this Regulation otherwise enable the dissemination to the public of press publications within the meaning of Article 2(4) of Directive (EU)2019/790, such platforms based on an alleged incompatibility with their terms and conditions shall not remove, suspend or otherwise interfere with such content or terminate the related account.*

Or. en

Amendment 293

Miapetra Kumpula-Natri

Proposal for a regulation

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *Where very large online platforms within the meaning of Article 25 of this Regulation otherwise allow for the dissemination to the public of press publications within the meaning of Article 2(4) of Directive (EU) 2019/790, such platforms shall not remove, disable access to, suspend or otherwise interfere with such content or the related service or suspend or terminate the related account on the basis of the alleged incompatibility of such content with its terms and conditions.*

Or. en

Amendment 294

Mikuláš Peksa

on behalf of the Greens/EFA Group

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Ensuring legal consistency

Amendment 295
Maria Spyra

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

Text proposed by the Commission

Amendment

2 b. Articles 12 and 13 of Section 1, and the provisions of Section 2, and Section 3 of Chapter III shall not apply to:

(a) editorial platforms within the meaning of Article 2(h1) of this Regulation;

(b) online platforms that qualify as micro and medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC;

(c) an intermediary service, except very large online platforms, where it would constitute a disproportionate burden in view of its size, the nature of its activity and the risk posed to users.

Or. en

Amendment 296

Mikuláš Peksa
on behalf of the Greens/EFA Group

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Ensuring enforcement impact

Amendment 297
Mikuláš Peksa
on behalf of the Greens/EFA Group

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

Text proposed by the Commission

Amendment

2 c. All changes in terms and conditions should fully comply with this article. Intermediary service providers should inform the users of all changes in terms and conditions at least a month in advance.

Or. en

Justification

Ensuring proper transparency

Amendment 298
Mikuláš Peksa
on behalf of the Greens/EFA Group

Proposal for a regulation

Article 12 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2 d. Providers shall use as similar terms and conditions in the whole single market as possible, with divergences being clearly marked and justified.

Or. en

Justification

Harmonisation provision

Amendment 299

François-Xavier Bellamy, Geoffroy Didier, Sabine Verheyen

Proposal for a regulation

Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Traceability of business customers

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

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

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

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

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

(e) where the business customer is registered in a corporate or trade register or similar public register, the register in which the business customer is registered and its registration number or equivalent means of identification in that register;

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

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

3. The provider of intermediary services shall also verify that any person purporting to act on behalf of the business customer is so authorised and verify the identity of that person.

4. Where the provider of intermediary services obtains indications, including through a notification by law enforcement agencies or other individuals with a legitimate interest, that any item of information referred to in paragraph 1 obtained from the business customer concerned is inaccurate, misleading, incomplete, or otherwise invalid, that provider of an intermediary service shall request the business customer to correct the information in so far as necessary to ensure that all information is accurate

and complete, without delay or within the time period set by Union and national law. Where the business customer fails to correct or complete that information, the provider of intermediary services shall suspend the provision of its service to the business customer until the request is complied with.

5. The provider of intermediary services shall store the information obtained pursuant to paragraphs 1 and 2 in a secure manner for a period of five years following the termination of their contractual relationship with the business customer concerned. They shall subsequently delete the information.

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

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

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

9. The provider of intermediary services shall design and organise its online interface in a way that enables business customers to comply with their obligations

regarding pre-contractual information and product safety information under applicable Union law.

10. The Digital Services Coordinator of establishment shall determine dissuasive financial penalties for non-compliance with any provision of this Article.

Or. en

Amendment 300
Adam Jarubas, Jerzy Buzek

Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Exclusions

Articles 12 and 13 of Section 1, and the provisions of Section 2, and Section 3 of Chapter III shall not apply to:

(a) online platforms that qualify as micro and medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

(b) an intermediary service, except very large online platforms, where it would constitute a disproportionate burden in view of its size, the nature of its activity and the risk posed to users.

Or. en

Amendment 301
Bart Groothuis, Nathalie Loiseau, Morten Løkkegaard, Urmas Paet, Sandro Gozi, Valérie Hayer, Petras Auštrevičius, Christophe Grudler, Ivars Ijabs, Nicola Beer

Proposal for a regulation
Article 13 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 302

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures;

Amendment

(c) the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures, ***as well as the measures taken to train content moderators and the safeguards to ensure that non-infringing content is not affected***;

Or. en

Justification

Ensuring legal clarity

Amendment 303

Eva Kaili

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

Text proposed by the Commission

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

Amendment

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed. ***Internal complaint-handling systems (appeals systems) shall be mandatory and shall be detailed in the transparency reports.***

Or. en

Amendment 304

Marisa Matias

on behalf of the The Left Group

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

Text proposed by the Commission

Amendment

(d a) the total number and frequency of user-reported breaches of platform standards on disinformation;

Or. en

Amendment 305

Eva Kaili

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

Text proposed by the Commission

Amendment

Intermediaries should explain

mechanisms, processes and tools that alert them to potential breaches of its rules. Provisions about the easiness of reporting for vulnerable or atypical social groups (i.e. children, elderly, disabled) should be detailed;

Or. en

Amendment 306
Eva Kaili

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

Text proposed by the Commission

Amendment

Intermediaries should explain mechanisms, processes and tools that drive decision-making regarding actions related to content (i.e. take-down, suspensions etc). These should include provisions for the well being of moderators when human moderation is deployed;

Or. en

Amendment 307
Eva Kaili

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

Text proposed by the Commission

Amendment

Intermediaries should explain mechanisms, processes and tools that enable the promotion or suppression of content;

Or. en

Amendment 308
Eva Kaili

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

Text proposed by the Commission

Amendment

Intermediaries should explain mechanisms, processes and tools by means of which flaggers and content creators are notified about the evolution and outcome of the company’s decisions related to reported content;

Or. en

Amendment 309
Eva Kaili

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

Text proposed by the Commission

Amendment

Intermediaries should explain mechanisms, processes, and tools by means of which decisions can be challenged;

Or. en

Amendment 310
Eva Kaili

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

Text proposed by the Commission

Amendment

Intermediaries should explain what human and other resources are applied to moderating content;

Or. en

Amendment 311
Eva Kaili

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

Text proposed by the Commission

Amendment

Intermediaries should explain how content management processes and policies are reviewed, scrutinised and revised;

Or. en

Amendment 312
Eva Kaili

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

Text proposed by the Commission

Amendment

Intermediaries should disclose information regarding provisions and resources in place to safeguard users human rights including their rights to privacy, safety, accessibility and information. Children’s rights as described in the UN Convention on the Rights of the Child and the Convention’s General Comment 25, in particular should be embedded in the product and service design processes;

Or. en

Amendment 313
Eva Kaili

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

Text proposed by the Commission

Amendment

Intermediaries should report on their plans and resources available to tackle emerging harms.

Or. en

Amendment 314

Bart Groothuis, Valérie Hayer, Petras Auštrevičius, Nathalie Loiseau, Morten Løkkegaard, Urmas Paet, Sandro Gozi, Christophe Grudler, Ivars Ijabs, Nicola Beer

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The information provided shall be broken down per Member State in which services are offered and in the Union as a whole.

Or. en

Amendment 315

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Maria da Graça Carvalho, Pernille Weiss, Sara Skyttedal

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

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

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro, small *or medium-sized enterprise (SME)* within the meaning of the Annex to Recommendation 2003/361/EC. ***In addition, paragraph 1 shall not apply to enterprises that previously qualified for the status of a micro, small or medium-sized enterprise (SME) within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of***

that status pursuant to Article 4(2) thereof.

Or. en

Amendment 316

Bart Groothuis, Valérie Hayer, Nathalie Loiseau, Petras Auštrevičius, Morten Løkkegaard, Urmas Paet, Sandro Gozi, Christophe Grudler, Ivars Ijabs, Nicola Beer

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 317

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

According to Annex to Recommendation 2003/361/EC, SMALL enterprises are: a) less than 50 staff or b) between 2 - 10 M € turnover or total balance sheet And MICRO enterprises are: a) less than 10 staff or b) between 0 - 2 M € turnover or total balance sheet. Reporting

obligations should apply to small enterprises, but not to micro enterprises, as the conclusions of the impact assessment state that costs relating to transparency obligations are marginal.

Amendment 318

Marisa Matias

on behalf of the The Left 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-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, user-friendly, and allow for the submission of notices exclusively by electronic means. ***Those mechanisms should never replace any decision of independent judicial and administrative authorities on whether a content is illegal or not.***

Or. en

Amendment 319

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Massimiliano Salini, Maria da Graça Carvalho, Pernille Weiss, Sara Skytvedal

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 *at scale and* exclusively by electronic means.

Or. en

Amendment 320
Robert Roos, Jessica Stegrud

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 *manifestly* illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

Or. en

Amendment 321
Eva Kaili

Proposal for a regulation
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Providers of intermediary services shall act expeditiously, including and especially for time-sensitive content, upon receipt of a notice flagging illegal content or otherwise gaining knowledge or awareness of illegal activity, or illegal content, by taking the content down and also prevent content that has been taken down from reappearing (i.e. stay-down).

Or. en

Amendment 322

Robert Roos, Jessica Stegrud

Proposal for a regulation

Article 14 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can identify ***whether*** the content in question ***qualifies as manifestly illegal***. 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 323

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 14 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 324

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 14 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 325

Robert Roos, Jessica Stegrud

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 **manifestly** illegal content;

Or. en

Amendment 326

Robert Roos

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

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;

necessary, additional information enabling the identification of the *allegedly manifestly* illegal content;

Or. en

Amendment 327

Marisa Matias

on behalf of the The Left 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 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;

Or. en

Amendment 328

Patrizia Toia

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, additional information enabling the identification of the illegal content;

Or. en

Amendment 329

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Massimiliano Salini, Pernille Weiss, Sara Skyttedal

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 *identification* of that information and, where necessary, additional information enabling the identification of the illegal content;

Or. en

Amendment 330

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Not always possible to provide a URL.

Amendment 331

Mikuláš Peksa
on behalf of the Greens/EFA Group

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

Text proposed by the Commission

Amendment

(c a) where an alleged infringement of an intellectual property right is notified, evidence that the entity submitting the notice is the rights holder of the intellectual property right that is allegedly infringed or is authorised to act on behalf of that rights holder;

Or. en

Justification

Ensuring that claims are properly grounded

Amendment 332

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Karen Melchior

Proposal for a regulation

Article 14 – paragraph 2 – point d

Text proposed by the Commission

(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.

Amendment

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

Or. en

Amendment 333

Mikuláš Peksa

on behalf of the Greens/EFA Group

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

Amendment

deleted

of Article 5 in respect of the specific item of information concerned.

Or. en

Justification

The original text did not comply to the policy intent

Amendment 334

Marisa Matias

on behalf of the The Left 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 provider of hosting services shall send the notification to the content provider, informing them that a complaint has been made against their content. The notification should be delivered to content providers before any action is taken by the provider of hosting services. The provider of hosting services shall either forward lawful and compliant notification to the content provider, or by notifying the complainant of the reason it is not possible to do so.*

Or. en

Amendment 335

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. *Upon receipt of the notice of alleged copyright infringement the service provider shall notify the information*

providers, using available contact details, of the elements referred to in paragraph 2 and give them the opportunity to reply, within minimum 5 working days, before taking a decision and, if applicable, before disabling access to the referred content.

Or. en

Justification

Introducing safeguards against abuse.

Amendment 336

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 14 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. The provider shall ensure that decisions on notices are taken by qualified staff to whom adequate training as well as appropriate working conditions are to be provided, including, where necessary, the opportunity to seek professional support and qualified psychological assistance.

Or. en

Justification

Change needed to ensure the quality of the process.

Amendment 337

Mikuláš Peksa

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

Or. en

Justification

Ensuring transparency

Amendment 338

François-Xavier Bellamy, Geoffroy Didier

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. **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.** 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 339

Lina Gálvez Muñoz, Patrizia Toia, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho,

Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

**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. 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. ***In case of decisions to remove or disable access to the notified information are taken, they shall extend to preventing the reappearance thereof.***

Or. en

**Amendment 340
Gianna Gancia, Elena Lizzi**

**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, ***taking into account their technical and operational ability to act against specific items of illegal content,*** 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 341

Marisa Matias

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

Amendment 342

Mikuláš Peksa

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 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 **non-arbitrary** manner. Where they use automated means for that processing, they shall include information on such use in the notification referred to in paragraph 4.

Justification

Automated processing has proved unreliable

Amendment 343

Eva Kaili

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Providers of hosting services using automated means for content moderation or decision-making should at least inform affected individuals about the procedure followed, the technology used and the criteria and reasoning supporting the decision, without prejudice to the duty to inform and the rights of data subjects under Regulation (EU) 2016/679.

Or. en

Amendment 344

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Where a provider of hosting services processes a notice and decides to remove or disable access to specific items of information provided by the recipients of the service, it shall take steps, in the specific case, to remove identical or equivalent illegal content, within the same context.

Or. en

Amendment 345

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Providers of hosting services shall ensure that content previously identified as illegal following the mechanisms in paragraphs 1 and 2, remain inaccessible after take down.

Or. en

Amendment 346

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Maria da Graça Carvalho, Pernille Weiss

Proposal for a regulation

Article 14 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6 b. Paragraphs 2, 4 and 5 shall not apply to providers of intermediary services that qualify as micro, small or medium-sized enterprise (SME) within the meaning of the Annex to Recommendation 2003/361/EC. In addition, paragraphs 2, 4 and 5 shall not apply to enterprises that previously qualified for the status of a micro, small or medium-sized enterprise (SME) within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that status pursuant to Article 4(2) thereof.

Or. en

Amendment 347

Marisa Matias

on behalf of the The Left Group

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 ***or not*** to remove or disable access to, ***or otherwise moderate either the form or distribution of*** 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, ***or other content moderation and content curation measure***, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

Justification

Hosting service providers should also be required to provide a comprehensive and detailed answer as to why they decide not to remove or disable access to illegal content referred to.

Amendment 348

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

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

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.

disabling access to that information and of the reason for its decision, it shall inform the recipient, **without undue delay and at latest within 24 hours after such removing** or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

Amendment 349
Eva Kaili

Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Providers of hosting services shall, by default, not make the recipients of their services subject to advertisement that is based on the processing of personal data as defined in Regulation (EU) 2016/679 to determine the recipient or the recipients to whom the advertisement is displayed.

Or. en

Amendment 350
Eva Kaili

Proposal for a regulation
Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Providers of hosting services may give the recipients of their services the option to receive advertisements that are based on the processing of their personal data. For this purpose only such personal data may be processed, which data subjects have directly and actively provided to the hosting service provider and for the specific purpose of receiving

personalised advertisements, provided the conditions for consent laid down in Regulation (EU) 2016/679 have been met, in particular Article 4(11) and Article 7.

Or. en

Amendment 351

Marisa Matias

on behalf of the The Left 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 and the territorial scope of the disabling of access;

Or. en

Amendment 352

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

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 taking the decision;

Or. en

Amendment 353

Mikuláš Peksa

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 means ***used*** in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;

Or. en

Justification

Changed to ensure consistency

Amendment 354
Marisa Matias
on behalf of the The Left 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 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 ***and how long to expect the national authority decision for***;

Or. en

Amendment 355
Robert Roos, Jessica Stegrud

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 allegedly **manifestly** illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be **manifestly** illegal content on that ground;

Or. en

Amendment 356

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 15 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) Where the decision is based on an assessment of a risk under the risk assessment procedure of Article 26 of this Act, a reference to the risk identified and explanations as to why any mitigation measure applied under Article 27 of this act was considered to be required to mitigate that risk.

Or. en

Amendment 357

Eva Kaili

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 **rights of the content provider and** 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 358

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 15 – paragraph 4

Text proposed by the Commission

Amendment

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.

deleted

Or. en

Amendment 359

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Maria da Graça Carvalho, Pernille Weiss, Sara Skyttedal

Proposal for a regulation

Article 15 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Paragraphs 2, 3 and 4 shall not apply to providers of intermediary services that qualify as micro, small or medium-sized enterprise (SME) within the meaning of the Annex to Recommendation 2003/361/EC. In addition, those paragraphs shall not apply to enterprises that previously qualified for the status of a micro, small or medium-sized enterprise (SME) within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that

status pursuant to Article 4(2) thereof.

Or. en

Amendment 360

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 15 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. Providers of hosting services shall not be obliged to provide a statement of reasons referred to in paragraph 1 where doing so would infringe a legal obligation or where the statement of reasons could cause unintended safety concerns for the reporting party. In addition, providers of hosting services shall not be obliged to provide a statement of reasons referred to in paragraph 1 where the provider can demonstrate that the recipient of the service has repeatedly provided illegal content

Or. en

Amendment 361

François-Xavier Bellamy, Geoffroy Didier

Proposal for a regulation

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Trusted flaggers

1. Providers of hosting services shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in

Article 14, are processed and decided upon with priority and without delay.

2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any entities, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

(b) it represents collective interests or it has a significant legitimate interest along with demonstrated expertise and a proven experience in flagging illegal content with high rate of accuracy while being independent from any online hosting services provider or platform;

(c) it carries out not less than part of its activities for the purposes of submitting notices in a timely, diligent and objective manner.

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

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

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

Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

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

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

Or. en

Amendment 362

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss, Sara Skyttedal

Proposal for a regulation Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Protection against repeated misuse and criminal offences

1. Providers of intermediary services shall, after having issued a prior warning, suspend or in appropriate circumstances terminate the provision of their services to recipients of the service that frequently

provide illegal content.

2. Where a provider of intermediary 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 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. Where the provider of intermediary service cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it has its main establishment or has its legal representative and also transmit this information to Europol for appropriate follow-up.

Or. en

Amendment 363

Robert Roos

Proposal for a regulation

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Market entrance protection

The provisions in this section shall not be enforced on new established entities for a period of one year after their establishment. During this period new established entities shall make any reasonable efforts to comply with the provisions in this section and act in good faith.

Or. en

Amendment 364

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Tom Berendsen, Maria da Graça Carvalho, Pernille Weiss, Sara Skyttedal

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Exclusion for micro **and** small enterprises

Exclusion for micro, small **and medium-sized** enterprises (**SMEs**) **and closed online platforms**

Or. en

Amendment 365

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Exclusion for micro **and** small enterprises

Exclusion for micro, small **or medium sized** enterprises

Or. en

Justification

Change needed for consistency

Amendment 366

Robert Roos

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Exclusion for **micro and small enterprises**

Exclusion for **SMEs**

Amendment 367

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Danti, Bart Groothuis, Martin Hojsík

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. ***The Commission should assess the need to exclude micro and small enterprises that reach a large audience, based a number of average monthly active recipients of the service in the Union, calculated in accordance with the methodology set out in the delegated acts referred to in article 25, paragraph 3.***

Justification

We propose adding an audience criterion to ensure that small platforms with a large audience, which raise issues in terms of content moderation and systemic risks for Europeans, are covered by the obligations in this section.

Amendment 368

Marisa Matias

on behalf of the The Left Group

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 Articles 17 (internal complaint mechanism), 18 (out-of-court dispute settlement), 22 (traceability of traders), 24 (online advertising) and 29 (recommender systems).

Or. en

Justification

Under the annex to Recommendation 2003/361/EC, a small enterprise is defined as having < 50 employees and an annual turnover and/or balance < €10 Million. That is considerable. Similarly, some companies can have a significant user-base and plenty of illegal activities online to take care of and have a team below 50. This is particularly important for smaller EU Member States. If barely any obligations apply to their companies, the applicability and added-value of the DSA would be severely affected.

Amendment 369

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Tom Berendsen, Maria da Graça Carvalho, Pernille Weiss, Sara Skyttedal

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 ***micro, small or medium-sized enterprise (SMEs)*** within the meaning of the Annex to Recommendation 2003/361/EC.

Or. en

Amendment 370

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

This Section shall not apply to online

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.

platforms that qualify as micro, small *or medium sized* enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Or. en

Justification

We need to ensure the development of SMEs

Amendment 371

Robert Roos

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 *SMEs* within the meaning of the Annex to Recommendation 2003/361/EC.

Or. en

Amendment 372

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Tom Berendsen, Maria da Graça Carvalho, Pernille Weiss, Sara Skyttedal

Proposal for a regulation

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Section shall not apply to enterprises that previously qualified for the status of micro, small or medium-sized enterprise (SMEs) within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that status pursuant to Article 4(2) thereof.

Or. en

Amendment 373

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss, Sara Skyttedal

Proposal for a regulation

Article 16 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

This Section shall not apply to online platforms offering products and services from third-party traders, which are established in the European Union, where these traders' access is exclusive, curated and entirely controlled by the providers of the online platform and these traders' products and services are reviewed and pre-approved by the providers of the online platform before they are offered on the platform.

Or. en

Amendment 374

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

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 incompatible with its terms and conditions:

1. Online platforms shall provide recipients of the service ***and qualified entities as defined in Article 3, point (4) of Directive (EU) 2020/1828***, 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:

Or. en

Justification

Clarifying the proposal

Amendment 375

Eva Kaili

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. **All providers of hosting services**, 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:

Or. en

Amendment 376

Robert Roos, Jessica Stegrud

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, 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:

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 **manifestly** illegal content or incompatible with its terms and conditions:

Or. en

Amendment 377

Marisa Matias

on behalf of the The Left 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 **twelves** 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

Amendment 378

Mikuláš Peksa

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, disable, **demote, demonetise, restrict or in any other way modify** access to the information

or otherwise impose sanctions against it;

Or. en

Justification

Change needed for legal clarity

Amendment 379

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

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 disable access to the information **or not**;

Or. en

Amendment 380

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 17 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 381

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 382

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Carlo Calenda, Maria-Manuel Leitão-Marques, Adriana Maldonado López

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 **and include human review**.

Or. en

Amendment 383

Mikuláš Peksa

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

Amendment

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and **non-arbitrary** 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.

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. ***If the complaining entity wishes so, the online platform shall also publicly confirm the reversal of decision.***

Or. en

Justification

Change needed for consistency

Amendment 384 **Robert Roos, Jessica Stegrud**

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. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not ***manifestly*** 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 385

Robert Roos, Jessica Stegrud

**Proposal for a regulation
Article 17 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3 a. If a decision is reversed under paragraph 3 the online platform shall compensate the recipient with an amount of 25 EUR or 50 EUR if the online platform qualifies as a VLOP. This is without prejudice to the recipients right to seek compensation for his real damages.

Or. en

Justification

The purpose of this amendment is twofold. First: there needs to be an incentive for recipients to use the internal complain mechanism. Second: there needs to be an incentive for online platforms to think twice before removing content.

Amendment 386

Eva Kaili

**Proposal for a regulation
Article 17 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3 a. The complaint mechanism to be established is without prejudice to the rights and remedies available to data subjects in accordance with Regulation (EU) 2016/679 and Directive 2002/58/EC.

Or. en

Amendment 387

Marisa Matias

on behalf of the The Left 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 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, ***that can not exceed three weeks following the filed complaint***, 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.

Or. en

Amendment 388

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

**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

deleted

Or. en

Amendment 389

Mikuláš Peksa

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 always includes***

meaningful human oversight.

Or. en

Justification

Dure ot unreliability of automated systems, human oversight is always prescribed.

Amendment 390

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

1. Recipients of the service addressed by the decisions referred to in Article 17(1) **and qualified entities as defined in Article 3, point (4) of Directive (EU) 2020/1828** 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 **by the recipient** with a view to resolving the dispute and shall be bound by the decision taken by the body.

Or. en

Justification

Change meant to ensure better enforcement

Amendment 391

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

1. ***After internal complaint handling mechanisms are exhausted***, 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.

Or. en

Amendment 392

Robert Roos

Proposal for a regulation

Article 18 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) it has the necessary expertise ***concerning*** the issues arising of illegal content, ***in particular as it comes to the applicable laws relating to freedom of expression and its limitations and the applicable case law, including the case-law of the European Court of Human Rights, or about*** 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;

Or. en

Amendment 393

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 18 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) it has the necessary **legal** 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;

Or. en

Justification

Change needed to ensure proper rights application

Amendment 394

Eva Kaili

Proposal for a regulation

Article 18 – paragraph 2 – 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, **transparent** and cost-effective manner and in at least one official language of the Union;

Or. en

Amendment 395

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 18 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. 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

3. 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 **never** 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

Ensuring that access to justice remains truly free.

Amendment 396

Robert Roos

Proposal for a regulation

Article 18 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. If the online platform concerned constitutes a very large online platform the maximum fee for an out-of-court settlement procedure shall not exceed 25 EUR for a consumer. If the decision is in favor of the recipient, the very large online platform shall reimburse any fee paid to the body for the dispute settlement. The recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay concerning the dispute settlement. On top of that, the very large online platform shall compensate the recipient with a minimal amount of 100 EUR. This is without prejudice to the recipient's right to seek compensation for his real

damages.

Or. en

Amendment 397

Eva Kaili

Proposal for a regulation

Article 18 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Any attempt to reach an out-of-court agreement on the settlement of a dispute in accordance with this Article shall not affect the rights of the providers of online platform services and of the recipients of the service concerned to initiate judicial proceedings at any time before, during or after the out-of-court dispute settlement process.

Or. en

Amendment 398

Eva Kaili

Proposal for a regulation

Article 18 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6 b. A ‘European Online Content Dispute Settlement Fund’ should be established to be managed by the EU. The fund shall be independent and its financial resources may come from administrative fines imposed under the DSA and contributions by the EU, member states and other stakeholders.

Or. en

Amendment 399
François-Xavier Bellamy, Geoffroy Didier

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 400
Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

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** with priority and without delay.

1. **The providers of hosting services** shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and **acted upon a face value** with priority and without delay, **and in appropriate circumstances, immediately**.

Or. en

Amendment 401
Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Adriana Maldonado López

Proposal for a regulation
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Under certain cases such as cases based on existing internal systems or depending on urgencies, the regime of

trusted flaggers should allow to exceptionally prioritise other notices in order to increase efficiency and involvement of all actors.

Or. en

Amendment 402

Mikuláš Peksa

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 entities, by the Digital Services Coordinator of the Member State in which the applicant is established **or by the Commission**, where the applicant has demonstrated to meet all of the following conditions:

Or. en

Justification

Change meant to facilitate harmonisation

Amendment 403

Lina Gálvez Muñoz, Patrizia Toia, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Adriana Maldonado López

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 **demonstrated** particular competence, **accuracy and expertise** for the purposes of detecting, identifying and notifying illegal content;

Amendment 404
Robert Roos, Jessica Stegrud

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 **manifestly** illegal content;

Or. en

Amendment 405
Robert Roos

Proposal for a regulation
Article 19 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) it has sufficient legal expertise as it comes to the law regarding freedom of expression and its limitations including the applicable case law of the European Court of Human Rights;

Or. en

Amendment 406
Marisa Matias
on behalf of the The Left Group

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

Text proposed by the Commission

Amendment

(b) it represents **collective** interests and

(b) it represents **public** interests, **has**

is independent from any online platform;

no commercial interest in removing the content and is independent from any online platform *or subcontractors*;

Or. en

Amendment 407

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 19 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 408

Eva Kaili

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 and objective manner *and is duly accredited*.

Or. en

Amendment 409

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

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 ***an*** objective manner.

Or. en

Amendment 410

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 411

Mikuláš Peksa

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

Amendment

3. Digital Services Coordinators ***and***

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.

the Commission shall communicate to 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. en

Justification

Change needed for legal consistency

Amendment 412

Bart Groothuis, Valérie Hayer, Nathalie Loiseau, Petras Auštrevičius, Morten Løkkegaard, Urmas Paet, Sandro Gozi, Christophe Grudler, Ivars Ijabs, Nicola Beer

Proposal for a regulation

Article 19 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States can acknowledge trusted flaggers recognized in another Member State as a trusted flagger on their own territory. Trusted flaggers can be awarded the status of European trusted flagger;

Or. en

Amendment 413

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 19 – paragraph 5

Text proposed by the Commission

Amendment

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14,

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices **or notices regarding legal content** through the mechanisms

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.

referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

Or. en

Justification

Ensuring legal clarity

Amendment 414

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 19 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Change needed for consistency

Amendment 415

Bart Groothuis, Valérie Hayer, Nathalie Loiseau, Petras Auštrevičius, Morten Løkkegaard, Urmas Paet, Sandro Gozi, Christophe Grudler, Ivars Ijabs, Nicola Beer

Proposal for a regulation

Article 19 – paragraph 7

Text proposed by the Commission

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

Amendment

7. The Commission, after consulting the Board, **shall** issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs **2**, 5 and 6.

Or. en

Amendment 416

Eva Kaili

Proposal for a regulation

Article 19 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 417

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 19 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Online platforms shall, where

possible, provide trusted flaggers with access to technical means that help them detect illegal content on a large scale.

Or. en

Amendment 418

Lina Gálvez Muñoz, Patrizia Toia, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide *illegal content. A termination of the service can be issued in case the recipients fail to comply with the applicable provisions set out in this Regulation or in case the suspension has occurred at least 3 times following verification of the repeated provision of* illegal content.

Or. en

Amendment 419

Robert Roos

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

manifestly illegal content.

severity of the illegal content disseminated via the online platform.

Or. en

Amendment 420

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Introducing safeguards

Amendment 421

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. *Providers of intermediary services* shall suspend, for a reasonable period of time, *or in appropriate circumstances terminate*, and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide illegal content.

Or. en

Justification

Article 20 should be transferred to Chapter III Section 1 above which applies to all providers of intermediary services.

Amendment 422

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Massimiliano Salini, Pernille Weiss, Sara Skytvedal

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 423

Robert Roos

Proposal for a regulation

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Online platforms shall without any delay terminate the provision of their services to recipients disseminating manifestly illegal content, given that the manifestly illegal content also constitutes as a crime against the public order, the public morals or the public health.

Or. en

Justification

Manifestly illegal content could also consist of IP-rights infringements . While certain

infringements could lead to a temporary, or even permanent suspension, these breaches shall not be dealt with in the same way as manifestly illegal content that also constitutes to a crime against the public order, public morals, or public health (i.e. child abuse, or the sale of illegal drugs)

Amendment 424
Robert Roos

Proposal for a regulation
Article 20 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. Online platforms may suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that repeatedly provide manifestly illegal content that not constitutes as an assault to the public order, the public health, or the public morals. Online platforms shall take into account the severity of the illegal content disseminated via the online platform.

Or. en

Amendment 425
Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

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

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

manifestly unfounded.

complaints that are manifestly unfounded.

Or. en

Amendment 426

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 427

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

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

entities or by complainants that frequently submit notices or complaints that are *manifestly* unfounded.

entities or by complainants that frequently submit notices or complaints that are unfounded.

Or. en

Amendment 428

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 20 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

3. **Providers of intermediary services** shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to the online platform. Those circumstances shall include at least the following:

Or. en

Amendment 429

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 20 – paragraph 3 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 430

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 20 – paragraph 3 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 431

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 20 – paragraph 3 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 432

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 20 – paragraph 3 – point d

Text proposed by the Commission

(d) **the intention of the recipient, individual, entity or complainant.**

Amendment

deleted

Justification

It would require to assess the intention of the user, which could led let to different interpretations.

Amendment 433

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation**Article 20 – paragraph 4***Text proposed by the Commission*

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

Amendment

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

Amendment 434

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Massimiliano Salini, Pernille Weiss, Sara Skyttedal

Proposal for a regulation**Article 20 – paragraph 4***Text proposed by the Commission*

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

Amendment

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

behaviour constitutes misuse and the duration of the suspension.

behaviour constitutes misuse and the duration of the suspension, ***and the circumstances in which they will terminate their services.***

Or. en

Amendment 435
Robert Roos, Jessica Stegrud

Proposal for a regulation
Article 20 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. If the recipients account is suspended and the online platform constitutes as a very large online platform, the Freedom of Expression Officer is notified about the suspension immediately.

Or. en

Amendment 436
Gianna Gancia, Elena Lizzi

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

Amendment

1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, 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.

1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned, ***or the law enforcement authorities of the Member State in which it is established or has its legal representative, or Europol,*** of its suspicion and provide all relevant information

available.

Or. en

Amendment 437

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss, Sara Skyttedal

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Where the online platform 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.

Amendment

2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is *has its main establishment* or has its legal representative or *and also transmit this information to* Europol *for appropriate follow-up*.

Or. en

Amendment 438

François-Xavier Bellamy, Geoffroy Didier, Sabine Verheyen

Proposal for a regulation

Article 22

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 439

Bart Groothuis, Nathalie Loiseau, Morten Løkkegaard, Petras Auštrevičius, Urmas Paet, Christophe Grudler, Ivars Ijabs, Nicola Beer

Proposal for a regulation

Article 22 – title

Text proposed by the Commission

Amendment

22 Traceability of traders

22 Traceability of traders **and online advertisers**

Or. en

Amendment 440

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. ***Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:***

1. ***A provider of intermediary services shall ensure it has obtained the following information from a trader before starting the use of its services:***

Or. en

Justification

The application of the ‘traceability of traders’ obligation in the DSA proposal to online marketplaces would be an incomplete solution as it is far too narrow in scope. It should be applied to all intermediary services. The provision of illegal digital content inevitably relies on the services of other intermediaries for infrastructure and support. Therefore, all such intermediaries should be subject to this obligation.

Amendment 441

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has, ***in the case of third-country traders, verified that the latter has a European branch or representative, and has*** obtained the following information :

Or. en

Amendment 442

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss, Sara Skyttedal

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

Amendment

1. Where an online platform allows consumers to conclude distance contracts with ***professional*** traders ***on the platform***, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained ***from the trader*** the following information:

Or. en

Amendment 443

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

1. Where an online platform allows consumers to conclude distance contracts with traders, ***be it business-to-consumer or peer-to peer***, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

Or. en

Justification

Relevant trade conducted within online platforms can be either business-to-consumer (B2C), thus, from professional traders to consumers, or peer provider-to-peer consumer (P2P), in the "collaborative" or the "sharing economy" (eBay, Airbnb, Blablacar, etc.). This AM reinforces the KYBC principle for marketplaces and extend its use of other intermediaries (advertising services, web hosting, domain name registrations).

Amendment 444

Bart Groothuis, Nathalie Loiseau, Petras Auštrevičius, Morten Løkkegaard, Urmas Paet, Christophe Grudler, Ivars Ijabs, Nicola Beer

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

Amendment

1. Where an online platform allows consumers to conclude distance contracts with traders ***or sells online advertisements***, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

Or. en

Amendment 445

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Nicola Danti, Bart Groothuis, Martin Hojsík

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

1. **Where an online platform allows consumers to conclude distance contracts with traders, it** shall ensure that traders can only use **its** services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of **its** services, **the online platform has** obtained the following information:

Amendment

1. **Providers of online marketplaces** shall ensure that traders can only use **their** services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of **their** services, online **marketplaces have** obtained the following information:

Or. en

Amendment 446

Martin Hojsik

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

1. **Where an online platform allows consumers to conclude distance contracts with traders, it** shall ensure that traders can only use **its** services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of **its** services, **the online platform has** obtained the following information:

Amendment

1. **Providers of online marketplaces** shall ensure that traders can only use **their** services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of **their** services, online **marketplaces have** obtained **and checked the substance of** the following information:

Or. en

Justification

In order to avoid loopholes in the legislation and users' miscomprehension on the origin and purpose of advertisements and products, the platform must not only obtain the information required to the supplier, but also check the info. Within the information, the data related to product safety such as product labelling and registration number (where applicable) also need to be obtained and checked.

Amendment 447

Mikuláš Peksa

on behalf of the Greens/EFA Group

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

Text proposed by the Commission

Amendment

(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council⁵⁰ ; **deleted**

⁵⁰ *Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC*

Or. en

Justification

Safeguards are needed for occasional traders that are natural persons.

Amendment 448

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 449

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 22 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

Or. en

Justification

Safeguards are needed for occasional traders that are natural persons.

Amendment 450

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss, Sara Skyttdal

Proposal for a regulation

Article 22 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the name, address, telephone number and electronic mail address of the economic operator, ***within the meaning of Article 3(13) and Article 4*** of Regulation (EU) 2019/1020 of the European Parliament and the Council⁵¹ or any relevant act of Union law;

(d) ***to the extent the contract relates to products that are subject to the Union Regulations listed in Article 4(5) of Regulation (EU) 2019/1020 of the European Parliament and the Council,*** the name, address, telephone number and electronic mail address of the economic operator, ***established in the Union, referred to in Article 4(1) of Regulation (EU) 2019/1020 of the European Parliament and the Council or any relevant act of Union law;***

⁵¹ ***Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU)***

Amendment 451

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 22 – paragraph 1 – point f

Text proposed by the Commission

Amendment

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

deleted

Amendment 452

Martin Hojsik

Proposal for a regulation

Article 22 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(f a) product safety information such as product labelling and registration number, where applicable, for the mitigation of risks posed by specific types of products.

Amendment 453

Pernille Weiss

Proposal for a regulation

Article 22 – paragraph 1 a (new)

1 a. With reference to Article 5 a platform is obliged to verify that the following requirements are in compliance with Union and national law;

1. the product bears the required conformity marking;

2. the product is accompanied by relevant documents such as the EU declaration of conformity and by instructions and safety information in a language which can be easily understood by consumers and other end-users if required by the applicable legislation;

3. an indication of (a) name, (b) registered trade name or trademark and (c) the address at which the trader can be contacted regarding the product. If not possible to fulfil because of physical characteristics of the product, on its packaging and/or on the accompanying documentation the product shall bear a type, batch or serial number or other element allowing identification;

Or. en

Justification

As many platforms never receive the products physically, the documentation requirements should be uploaded and checked digitally e.g. by the seller uploading image documentation and declaration of conformity via an electronic system.

Amendment 454

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

2. The **online platform** shall, upon receiving that information, **make reasonable efforts** to assess whether the information referred to in points (a), (d)

Amendment

2. The **provider of intermediary services** shall, upon receiving that information, **take effective steps that would reasonably be taken by a diligent**

and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

operator in accordance with a high industry standard of professional diligence to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is ***accurate, current and reliable*** through the use of ***independent and reliable sources including*** any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources. ***The provider of intermediary services should require that traders promptly inform them of any changes to the information referred to in points (a), (d) and (e) and regularly repeat this verification process at least once per year. The provider of intermediary services should ensure that any trader, against whom the measure set out in Article 20(1) was applied, is not permitted to use the service, including under a different name.***

Or. en

Amendment 455

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss, Sara Skytvedal

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The online platform shall, upon receiving that information, ***take effective steps that would reasonably be taken by a diligent operator in accordance with a high industry standard of professional diligence*** to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is ***accurate, current and reliable*** through the use of ***independent and reliable sources including*** any freely accessible official online database or online interface made available by a Member

States or the Union or through requests to the trader to provide supporting documents from reliable sources. ***The provider of intermediary services should require that traders promptly inform them of any changes to the information referred to in points (a), (d) and (e) and regularly repeat this verification process.***

Or. en

Amendment 456

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

Amendment

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources. ***Online marketplaces should conduct periodic checks on trader accounts and the products and services they facilitate offering in view of respecting Article 7.***

Or. en

Amendment 457

Martin Hojsik, Valérie Hayer

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

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

Amendment

2. **The provider of** the online **marketplace** shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by **an authorized administrator or** a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

Or. en

Justification

In some cases it is not Member states, but administrators authorised in that Member State or in the EU, therefore the scope should not be limited to the Members States or the Union's authorities.

Amendment 458

Gianna Gancia, Elena Lizzi

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The online platform shall, upon receiving that information, **do what is required by this Regulation** to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

Or. en

Amendment 459

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Nicola Danti, Bart Groothuis, Martin Hojsík

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 460

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

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

Amendment

2. **Very large** online *platforms* shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

Or. en

Justification

Introducing proportionality

Amendment 461

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Platforms conduct regular and diligent checks on traders' legitimacy and the information they provide as soon as they receive it. The online platform shall :

a) prevent the online offer of unsafe and non-compliant products and product categories, namely by checking in official online databases in compliance with the recommendation of the European Product Safety Pledge.

b) prevent the online offer of counterfeit products.

c) cooperate ex post where necessary with regard to dangerous products already sold, namely with the competent authorities and take action to warn consumers.

Or. en

Amendment 462

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss, Sara Skytvedal

Proposal for a regulation

Article 22 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

3. Where the online platform obtains indications that any item of information

3. Where the online platform obtains indications, ***through its effective steps that***

referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

would reasonably be taken by a diligent operator under paragraph 2 or through Member States' consumer authorities, that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate, *out of date* or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

Amendment 463

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 22 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Where the *online platform* obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that *platform* shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Amendment

3. Where the *provider of intermediary services* obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate, *out of date* or incomplete, that *provider* shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

Amendment 464

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Nicola Danti, Bart Groothuis, Martin Hojsík

Proposal for a regulation

Article 22 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

3. Where the online **platform** obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that **platform** shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

3. Where **the provider of** the online **marketplace** obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that **marketplace** shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

Amendment 465

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 22 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Where the trader fails to correct or complete that information, the **online platform** shall suspend the provision of its service to the trader until the request is complied with.

Amendment

Where the trader fails to correct or complete that information, the **provider of intermediary services** shall suspend the provision of its service to the trader until the request is complied with.

Or. en

Amendment 466

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently

Amendment

4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned, **including the period for redress**. They shall subsequently delete the

delete the information.

information.

Or. en

Justification

Change needed for legal clarity

Amendment 467

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Nicola Danti, Bart Groothuis, Martin Hojsík

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

4. The online **platform** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

Amendment

4. **The provider of** the online **marketplace** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

Or. en

Amendment 468

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

4. The **online platform** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

Amendment

4. The **provider of intermediary services** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

Or. en

Amendment 469

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 22 – paragraph 5

Text proposed by the Commission

5. Without prejudice to paragraph 2, the **platform** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

Amendment

5. Without prejudice to paragraph 2, the **provider of intermediary services** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation, **and where the interested parties need to access information for the legitimate purpose of investigating infringements and enforcing their rights.**

Or. en

Amendment 470

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Nicola Danti, Bart Groothuis, Martin Hojsik

Proposal for a regulation

Article 22 – paragraph 5

Text proposed by the Commission

5. Without prejudice to paragraph 2, the **platform** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

Amendment

5. Without prejudice to paragraph 2, the **provider of the online marketplace** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

Or. en

Amendment 471

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Nicola Danti, Bart Groothuis, Martin Hojsík

Proposal for a regulation

Article 22 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 472

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 22 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 473

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Nicola Danti, Bart Groothuis, Martin Hojsík

Proposal for a regulation

Article 22 – paragraph 7

Text proposed by the Commission

7. The online **platform** shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.

Amendment

7. **The provider of the online marketplace** shall design and organise its online interface in a **fair and user-friendly** way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.

Or. en

Amendment 474

Massimiliano Salini, Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 22 – paragraph 7

Text proposed by the Commission

7. The **online platform** shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.

Amendment

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

Or. en

Amendment 475

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Nicola Danti, Bart Groothuis, Martin Hojsík

Proposal for a regulation

Article 22 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The online interface shall allow traders to provide the information allowing for the unequivocal identification of the product or the service, and, where applicable, the information concerning the labelling,

including CE marking, which are mandatory under applicable legislation on product safety and product compliance.

Or. en

Amendment 476
Robert Roos

Proposal for a regulation
Article 22 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. The online platforms shall ensure that traders are swiftly approved, given that they provided the necessary information correctly;

Or. en

Amendment 477

Valérie Hayer, Christophe Grudler, Dominique Riquet, Iskra Mihaylova, Susana Solís Pérez, Klemen Grošelj, Nicola Beer, Nicola Danti, Martin Hojsík

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22 a

Additional provisions for online marketplaces related to illegal offers

1. The provider of the online marketplace shall take adequate measures in order to prevent the dissemination by traders using its service of offers for a product or a service, which do not comply with Union law.

2. Where the provider of the online marketplace obtains indication including the elements listed in points (a) and (b) of paragraph 2 of Article 14, and according to which an item of information referred

to in Article 22 is inaccurate, that online marketplace service provider shall request the trader to give evidence of the accuracy of that item of information or to correct it, without delay.

3. Before the trader's offer is made available on the online marketplace, the provider of the online marketplace shall verify, with regard to the information referred to in paragraph 8 of Article 22, if the offer that the trader wishes to propose to consumers located in the Union is mentioned in the list, or the lists, of products or categories of products identifies as non compliant, as classified in any freely accessible official online database or online interface, and shall not authorise the trade to provide the offer if that the product is on such list.

4. Where a provider of the online marketplace becomes aware of the illegal nature of a product or service offered through its services, it shall inform those recipients of the service that had acquired such product or contracted such service.

5. The provider of the online marketplace shall demonstrate its best effort to put in place proportionate mechanisms to prevent offers for products that were previously notified in accordance with Article 14 on as counterfeiting from reappearing on the platform. Such mechanisms should not lead to general monitoring in conformity with Article 7.

6. The provider of the online marketplace shall suspend without undue delay the provision of its services to traders that provide in a repeated manner or illegal offers for a product or a service. It shall immediately notify its decision to the trader.

Or. en

Justification

In the light of the expansion of online marketplaces and the substantial share of products

proposed to European consumers that remain non-compliant or dangerous, additional specific provisions for providers of online marketplace services should be integrated in the DSA. These measure should not lead to a general monitoring from the provider.

Amendment 478

Henna Virkkunen, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 23 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 479

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 23 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 480
Robert Roos

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 481
Mikuláš Peksa
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 23 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Online platforms shall clearly state how and for what purpose they collect data from users of the service and how, to whom and for purpose they disseminate data collected further.

Or. en

Justification

Introducing transparency

Amendment 482
Bart Groothuis, Nathalie Loiseau, Petras Auštrevičius, Morten Løkkegaard, Urmas Paet, Sandro Gozi, Christophe Grudler, Ivars Ijabs, Nicola Beer

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

4. The Commission **may** adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.

Amendment

4. The Commission **shall** adopt implementing acts to **establish a set of Key Performance Indicators and** lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.

Or. en

Amendment 483

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 24 – title

Text proposed by the Commission

Online advertising transparency

Amendment

Online advertising transparency
requirements

Or. en

Amendment 484

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 485

Eva Kaili

Proposal for a regulation

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 486

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) that the information displayed is an advertisement;

Amendment

(a) that the information displayed is an advertisement **and whether the advertisement has been optimised by an algorithm, including disclosure of all proxies that were used for optimization of an advertisement**;

Or. en

Amendment 487

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 24 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) that the information displayed is an advertisement;

(a) that the information displayed ***or parts thereof*** is an ***online*** advertisement;

Or. en

Amendment 488

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 24 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

(b) the natural or legal person on whose behalf the advertisement is displayed ***and whether the advertisement was selected using an automated system and in that case, the identity of the natural or legal person(s) responsible for the system(s)***;

Or. en

Amendment 489

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 24 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 490
Gianna Gancia, Elena Lizzi

Proposal for a regulation
Article 24 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) the *private or professional status of the* person on whose behalf the advertisement is displayed;

Or. en

Amendment 491
Eva Kaili

Proposal for a regulation
Article 24 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) meaningful information about the parameters used to determine the recipient to whom the advertisement is displayed *with the same level of detail as specified by the advertiser, and including the optimisation objectives for the delivery of the advertisement as specified by the advertiser or applied by the online platform.*

Or. en

Amendment 492
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Article 24 – paragraph 1 – point c

Text proposed by the Commission

(c) meaningful information about *the main* parameters used to determine the

Amendment

(c) meaningful information about *all* parameters used to determine *and target*

recipient to whom the advertisement is displayed.

the recipient to whom the advertisement is displayed, ***including the category and source of personal data uploaded to the online platform and the legal basis for uploading this personal data pursuant to Regulation (EU) 2016/679;***

Or. en

Amendment 493

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 24 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) meaningful information about the parameters used to determine the recipient to whom the advertisement is displayed ***and how to change these parameters.***

Or. en

Justification

Enhancing user control

Amendment 494

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 24 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 495

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) meaningful information about algorithms to optimise the advertisement, if any, including meaningful explanation of optimisation goal, proxy attributes used for its optimisation as well as meaningful explanation of reasons why online platform optimised and displayed the advertisement to this recipient in order to achieve its optimisation goal;

Or. en

Amendment 496

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(c a) whether the advertisement was selected using an automated system and, in that case, the identity of the natural or legal person responsible for the system.

Or. en

Justification

Most online advertising is managed automatically.

Amendment 497

Marisa Matias
on behalf of the The Left Group

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

Text proposed by the Commission

Amendment

(c b) Recipients of the service shall have access to profiling data that online platforms hold about them. This data should be made available to recipients of the service in a comprehensible format and should also include inferences made about that recipient, pursuant to Regulation (EU) 2016/679. Recipients of the service shall also be able to rectify and delete their profile, including information inferred about them by the platform. Such profiles must not be used for advertising.

Or. en

Amendment 498
Bart Groothuis, Nathalie Loiseau, Morten Løkkegaard, Petras Auštrevičius, Urmas Paet, Sandro Gozi, Christophe Grudler, Ivars Ijabs, Nicola Beer

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

Text proposed by the Commission

Amendment

Online platforms that display advertising on their online interfaces shall ensure that advertisers:

(a) can request information where their advertisements have been placed;

(b) can request information on which broker treated their data;

(c) can indicate on which specific websites their ads cannot be placed. In case of non-compliance with this provision, advertisers should have an option to judicial redress.

Amendment 499

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Providers of intermediary services shall inform the natural or legal person on whose behalf the advertisement is displayed where the advertisement has been displayed. They shall also inform public authorities, non-governmental organisations and researchers, upon their request.

Or. en

Amendment 500

Adam Jarubas, Jerzy Buzek

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 501

Eva Kaili

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Behavioural and micro-targeted advertising should not be permitted towards children below 18.

Or. en

Amendment 502

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Carlo Calenda, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 24 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Online platforms shall favour advertising that do not require any tracking of user interaction with content.

Or. en

Amendment 503

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Carlo Calenda, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 24 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Online platforms shall offer the possibility to easily opt-out for micro-targeted tracking.

Or. en

Justification

The report by the European Data Protection Supervisor on the DSA recommends adding

further measures to increase protection regarding online advertising, including a phase-out leading to a prohibition of targeted advertising, restrictions in relation to the categories of data that can be processed for targeting purposes and the categories of data that may be disclosed to advertisers or third parties to enable or facilitate targeted advertising.

Amendment 504

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Carlo Calenda, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 24 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

Online platforms shall offer the possibility to opt-in for the use of behavioural data and political advertising.

Or. en

Amendment 505

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24 a

Restrictions on targeted advertisements
Distributing advertisements on the basis of targeting recipients of the service on the basis of their behaviour data or using profiling techniques shall be prohibited. Personalised advertisements may be based on the content the recipient is viewing on the online platform only, with due information. Tracking the user beyond the platform itself, through other services or on the wider web, shall be prohibited. Online platforms shall not be allowed to resort to cross-device and cross-site

combination of data processed inside or outside the platform.

Or. en

Amendment 506

Henna Virkkunen, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Maria da Graça Carvalho, Pernille Weiss

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Amendment

1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million *or where the operating model and nature of the platform is considered to constitute a systemic risk assessed* calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3. *This Section shall not apply to online platforms that qualify as micro, small or medium-sized enterprises (SMEs) within the meaning of the Annex to Recommendation 2003/361/EC. In addition, this Section shall not apply to enterprises that previously qualified for the status of a medium-sized, small or microenterprise within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that status pursuant to Article 4(2) thereof.*

Or. en

Amendment 507

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Amendment

1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3, **or with a turnover of over EUR 50 million per year.^{1a}**

^{1a} Commission Staff Working Document. Impact Assessment Report. Annexes. (SWD(2020)348).

Or. en

Justification

More than half of the companies/business organizations participating in the open public consultations included in the impact assessment report indicated a turnover of over EUR 50 million per year.

Amendment 508

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation
Article 25 – paragraph 1

Text proposed by the Commission

1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than **45** million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Amendment

1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than **22,5** million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Or. en

Justification

The 45 million average monthly active user threshold is quite high. Only very few companies would fall under these criteria. Important platforms like Alibaba or Airbnb, with millions of users and significant risks for people, may not fall under the definition of very large platforms. We propose 22,5 millions to include several big players.

Amendment 509

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number of average monthly recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to **10%** of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.

Amendment

2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number of average monthly recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to **5%** of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.

Or. en

Justification

In the Commission proposal, it is not make clear what happens if the users of an online platform of a certain size and user-base exceeds 10% of the population in one or several national markets, but does not reach the 45M user threshold in the EU. Despite a company being a huge player in an EU or several EU Member States, Member State action may be impaired. This could have significant consequences for the protection of consumers in those countries where the platform should be considered a very large platform. 5% corresponds more or less to 22,5 million.

Amendment 510

Henna Virkkunen, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active recipients of the service in the Union, for the purposes of paragraph 1. The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active recipients of the service in the Union, taking into account different accessibility features.

Amendment

3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active recipients of the service in the Union ***or whether the operating model and nature of platform constitutes a systemic risk***, for the purposes of paragraph 1. The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active recipients of the service in the Union, taking into account different accessibility features, ***as well as how to determine whether operating model and size of platform is considered such as to constitute a systemic risk***.

Or. en

Amendment 511

Henna Virkkunen, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 25 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The delegated acts referred to in paragraph 3 shall base the methodology on the following criteria:

a) the role of the online platform in facilitating public debate;

b) the role, nature and volume of economic transactions on the online

platform;

c) the role of the online platform in disseminating information, opinions and ideas and in influencing how recipients of the service obtain and communicate information online; and

d) the depth and scope of the societal risks posed by the platform, as well as the historical prevalence of illegal content on the service.

Online platforms, regardless of the number of average monthly active recipients of their service in the Union, that pose a high systemic risk based on an assessment following the criteria outlined in this paragraph, shall be considered to be very large online platforms.

Or. en

Amendment 512

Henna Virkkunen, Eva Maydell, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 25 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the Commission.

Amendment

4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1, ***or whether the operating model and nature of platform constitutes a systemic risk.*** On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the

Commission.

Or. en

Amendment 513

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 25 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations of this Section shall apply, or cease to apply, to the very large online platforms concerned from **four** months after that publication.

Amendment

The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations of this Section shall apply, or cease to apply, to the very large online platforms concerned from **two** months after that publication.

Or. en

Justification

Two months to be consistent with Article 38.3

Amendment 514

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 25 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Very large platforms shall allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services.

Justification

In line with DMA 6 (1) f with a specific interoperability requirement.

Amendment 515

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 25 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. Gatekeepers of very large platforms shall allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper.

Justification

In line with DMA proposal

Amendment 516

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Carlo Calenda, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 25 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4 c. *Very large platforms shall refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access provider for end users.*

Or. en

Amendment 517

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 25 – paragraph 4 d (new)

Text proposed by the Commission

Amendment

4 d. *Very large platforms shall allow consumers and developers in mobile application ecosystems to increase the number of applications available and ensure new functionalities across software applications and services to be accessed using the operating systems of the gatekeeper.*

Or. en

Justification

In line with DMA proposal. Gatekeepers could limit their innovation capacities if they are obliged to ensure the use of different apps.

Amendment 518

Robert Roos, Jessica Stegrud

Proposal for a regulation

Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25 a

Terms and conditions of very large online platforms

The terms and conditions of very large online platforms shall not provide additional conditions defining what content is allowed on their very large online platform. These boundaries are prescribed by applicable Union and national law. The terms and conditions of very large online platforms shall not have any adverse effects on the fundamental rights as enshrined in the EU Charter on fundamental rights, especially not on the fundamental right on freedom of expression, in accordance with the applicable law of the Member States and the applicable Union law.

Or. en

Amendment 519
Jessica Stegrud

Proposal for a regulation
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25 a

The right to an account

1. Very large online platforms shall have the obligation of providing the ability for every user with legal intentions to create an account. The user shall be able to verify its account.

2. Very large online platforms shall only be able to delete an account if the user uses the account for illegal activities like abuse, fraud or terrorist propaganda.

Amendment 520
Robert Roos, Jessica Stegrud

Proposal for a regulation
Article 25 b (new)

Text proposed by the Commission

Amendment

Article 25 b

Equal treatment of legal content

The algorithms of very large online platforms will not assess the intrinsic character of the content disseminated through their platform. Furthermore, very large online platforms are not allowed to take corrective measures on legal content, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources.

Amendment 521
Jessica Stegrud

Proposal for a regulation
Article 25 b (new)

Text proposed by the Commission

Amendment

Article 25 b

Content moderation

- 1. Only illegal content may be deleted on a very large online platform by the provider itself.***
- 2. The user may block and delete content on the section of platform which he or she controls, for example comments on his or her posts.***

Amendment 522
Jessica Stegrud, Robert Roos

Proposal for a regulation
Article 25 c (new)

Text proposed by the Commission

Amendment

Article 25 c

Shadow banning

The practice of shadow banning, which means that the user still can use and post on the very large online platform but the spread is significantly reduced, shall be prohibited.

Or. en

Amendment 523
Jessica Stegrud, Robert Roos

Proposal for a regulation
Article 25 d (new)

Text proposed by the Commission

Amendment

Article 25 d

Algorithms and political views

The very large online platform's algorithm, which selects content to be shown, shall never favour or disadvantage particular political views.

Or. en

Amendment 524
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Article 26 – title

Text proposed by the Commission

Risk assessment

Amendment

Ex ante human rights impact assessment

Or. en

Amendment 525

Bart Groothuis, Valérie Hayer, Nathalie Loiseau, Petras Auštrevičius, Morten Løkkegaard, Urmas Paet, Sandro Gozi, Christophe Grudler, Ivars Ijabs, Nicola Beer

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 526
Eva Kaili

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

Text proposed by the Commission

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second

Amendment

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second

subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services **and activities, including business model-driven practices and technology design decisions**, in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

Amendment 527

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 528

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

The risk assessment should address negative effects on any fundamental rights caused by any activity carried out by VLOPs, not only the services they offer.

Amendment 529

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 26 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

Or. en

Justification

Dissemination of illegal content is always a risk

Amendment 530

Robert Roos

Proposal for a regulation

Article 26 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the dissemination of illegal content **(a) the dissemination of illegal content**

through their services;

through their services; ***the very large online platforms shall make a distinction between allegedly, manifestly illegal content, and proven illegal content;***

Or. en

Amendment 531

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, ***freedom and pluralism of the media***, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively ***as well as any other human right and freedom enshrined in the Charter that can be negatively affected by these systems now or in the future;***

Or. en

Amendment 532

Robert Roos, Jessica Stegrud

Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

24 of the Charter respectively;

24 of the Charter respectively, *with particular regard to the freedom of expression*;

Or. en

Amendment 533

Eva Kaili

Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) any negative effects for the exercise of fundamental rights, *including the right* to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child *and consumer protection*, as enshrined in Articles 7, 11, 21, 24 *and* 28 of the Charter respectively;

Or. en

Amendment 534

Adam Jarubas, Jerzy Buzek

Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 535

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Carlo Calenda, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 536

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 26 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Ensuring legal clarity

Amendment 537

Mikuláš Peksa

on behalf of the Greens/EFA Group

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Ensuring predictability and relevant outcomes

Amendment 538

Marisa Matias

on behalf of the The Left Group

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

Text proposed by the Commission

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

Amendment

(c) actual or foreseeable ***systemic*** negative ***effects*** on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security, ***including but not restricted to the risk of the intentional manipulation of their service by means of inauthentic use or automated exploitation of the service.***

Or. en

Amendment 539

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris

Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Carlo Calenda, Adriana Maldonado López

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

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The services of very large online platforms may pose systemic risks for “the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security” independently of whether they are manipulated or not.

Amendment 540

Bart Groothuis, Valérie Hayer, Petras Auštrevičius, Nathalie Loiseau, Morten Løkkegaard, Urmas Paet, Sandro Gozi, Ivars Ijabs, Nicola Beer

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 541

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 26 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) readiness to participate in the crisis protocols referred to in Article 37;

Or. en

Justification

Change needed to ensure consistency wit art. 37

Amendment 542

Eva Kaili

Proposal for a regulation

Article 26 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the dissemination of disinformation through their services.

Or. en

Amendment 543

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. When conducting risk assessments, very large online platforms shall take into account, in particular, **how** their content moderation systems, recommender systems and systems for selecting and displaying

2. When conducting risk assessments, very large online platforms shall take into account, in particular, **the effects of** their content moderation systems, recommender systems and systems for selecting and

advertisement *influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.*

displaying advertisement.

Or. en

Justification

Tackling the existing issues

Amendment 544

Eva Kaili

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 545

Marisa Matias

on behalf of the The Left Group

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 546
Robert Roos, Jessica Stegrud

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 547
Mikuláš Peksa
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *To ensure a high level of public control and transparency, these yearly risk assessments should be made as transparent as possible, by means of open access data. The outcome of the risk assessment and supporting documents shall be communicated to the Board and the Digital Services Coordinator of establishment. A summary version of the risk assessment shall be made publicly available in an easily accessible format.*

Or. en

Justification

Ensuring transparency

Amendment 548

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *The risk assessments must be designed with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations.*

Or. en

Amendment 549

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 26 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. *A summary or a redacted version of these mandatory ex ante fundamental rights impact assessments should be made publicly available and accessible. All information needs to be communicated to the Digital Service Coordinators and national authorities with relevant expertise. The summary shall be made equally accessible to any not-for-profit body, organisation or association which has been properly constituted in accordance with the law of a Member State, has statutory objectives which are in the public interest, and is active in the field of the protection of consumer rights or fundamental rights and freedoms with regard to the protection of their personal data, freedom of expression and opinion, access to information, consumer protection, right to equal treatment and prohibition of discrimination, for the purposes of independent audits as referred to in Article 28 of this Regulation. They shall be vetted by the independent enforcement and monitoring unit of the Commission and the list of vetted subjects should be administered and made publicly available by the Board.*

Or. en

Amendment 550

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

1. Very large online platforms **shall** put in place reasonable, proportionate and effective **mitigation** measures, **tailored** to the specific systemic risks identified

Amendment

1. Very large online platforms **may** put in place reasonable, proportionate and effective measures to **cease, prevent and mitigate** the specific systemic risks

pursuant to Article 26. Such measures may include, where applicable:

identified pursuant to Article 26 ***without disproportionately impacting fundamental rights***. Such measures may include, where applicable:

Or. en

Justification

Ensuring clarity and safeguards

Amendment 551

Eva Kaili

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 552

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Justification

VLOPs shall not only mitigate, but also cease and prevent adverse human rights impacts, in line with UN Guiding Principles on Business and Human Rights.

Amendment 553

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 27 – paragraph 1 – point a

Text proposed by the Commission

(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;

Amendment

(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions ***including but not limited to progressively redesigning their content recommendation algorithms to reduce and mitigate risks identified under Article 26(1)(c) to place less emphasis on the retention of attention and more on emphasis of the protection of fundamental human rights and ensuring adequate labelling and notification to users of legal but harmful content on their service;***

Or. en

Amendment 554

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 27 – paragraph 1 – point a

Text proposed by the Commission

(a) adapting content moderation or recommender systems, their decision-

Amendment

(a) adapting content moderation or recommender systems, their decision-

making processes, the features or functioning of their services, or their terms and conditions;

making processes, the features or functioning of their services *and activities*, or their terms and conditions;

Or. en

Justification

The risk assessment should address negative effects on any fundamental rights caused by any activity carried out by VLOPs, not only the services they offer.

Amendment 555

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) adapting content moderation policies and practices to not involve the monitoring or profiling of the behaviour of individuals, unless the online platforms can demonstrate, on the basis of mandatory ex ante human rights impact assessment, that such measures are strictly necessary to mitigate the categories of systemic risks identified in Article 26 and in accordance with Regulation (EU) 2016/679 and Directive 2002/58/EC;

Or. en

Amendment 556

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(a a) ensuring appropriate staffing to

deal with notices and complaints;

Or. en

Justification

Ensuring proper means for the application of the rules.

Amendment 557

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 27 – paragraph 1 – point c

Text proposed by the Commission

(c) reinforcing the internal processes or supervision of any of their activities in particular as regards detection of **systemic** risk;

Amendment

(c) reinforcing the internal processes or supervision of any of their activities in particular as regards **conducting mandatory ex ante human rights impact assessment, including but not limited to ensuring that the data sets that inform the detection of risk do so in all relevant languages in which the services operate and do so in a manner that promotes diversity and inclusion and does not breach fundamental rights to freedom from discrimination;**

Or. en

Amendment 558

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 27 – paragraph 1 – point d

Text proposed by the Commission

(d) **initiating or** adjusting cooperation with trusted flaggers in accordance with Article 19;

Amendment

(d) adjusting cooperation with trusted flaggers in accordance with Article 19;

Amendment 559

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(d a) targeted measures to mitigate environmental risks and promote sustainability through their services and establishing criteria for energy-sufficient digital services.

Or. en

Justification

Ensuring that the legislative act is aligned with the twin transition policy objectives.

Amendment 560

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 27 – paragraph 1 – point e

Text proposed by the Commission

Amendment

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

Or. en

Justification

Change needed for consistency

Amendment 561
Robert Roos, Jessica Stegrud

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 562
Marisa Matias
on behalf of the The Left Group

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

Text proposed by the Commission

Amendment

The mitigation measures must be designed with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations.

Or. en

Amendment 563
Bart Groothuis, Valérie Hayer, Petras Auštrevičius, Nathalie Loiseau, Morten Løkkegaard, Urmaz Paet, Sandro Gozi, Christophe Grudler, Ivars Ijabs, Nicola Beer

Proposal for a regulation
Article 27 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Board, in cooperation with the 2. The Board, in cooperation with the

Commission, shall publish comprehensive reports, once a year, which shall include the following:

Commission, shall publish comprehensive reports once a year. *The reports of the Board shall be broken down per Member State in which the systemic risks occur and in the Union as a whole. The reports shall be published in all the official languages of the Member States of the Union. The reports* shall include the following:

Or. en

Amendment 564

Lina Gálvez Muñoz, Alicia Homs Ginel, Robert Hajšel, Carlos Zorrinho, Andris Ameriks, Nicolás González Casares, Romana Jerković, Eva Kaili, Patrizia Toia, Maria-Manuel Leitão-Marques, Adriana Maldonado López

Proposal for a regulation

Article 27 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) best practices for very large online platforms to *cease, prevent and* mitigate the systemic risks identified.

Or. en

Amendment 565

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The reports referred to in paragraph 2 shall be disseminated to the general public and include standardised, open data describing the systemic risks, especially risks to fundamental rights.

Or. en

Justification

Ensuring transparency

Amendment 566

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 567

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

3. The Commission, in cooperation with the Digital Services Coordinators, may issue general **guidelines** on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible

Amendment

3. The Commission, in cooperation with the Digital Services Coordinators, may issue general **recommendations** on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible

measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those **guidelines** the Commission shall organise public consultations.

measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those **recommendations** the Commission shall organise public consultations.

Or. en

Justification

Ensuring that proper tools are in place

Amendment 568

Eva Kaili

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 569

Eva Kaili

Proposal for a regulation

Article 27 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The option of a phase-out leading

to a prohibition of targeted advertising on the basis of pervasive tracking shall also be considered.

Or. en

Amendment 570

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27 a

Mitigation of risks for the freedom of expression and freedom and pluralism of the media

1. Where specific systemic risks for the exercise of freedom of expression and freedom and pluralism of the media pursuant to Article 26(1)(b) emerge, very large online platforms shall ensure that the exercise of these fundamental rights is always adequately and effectively protected.

2. Where very large online platforms allow for the dissemination of press publications within the meaning of Art. 2(4) of Directive (EU) 2019/790, of audiovisual media services within the meaning of Article 1(1)(a) of Directive 2010/13/EU (AVMS) or of other editorial media, which are published in compliance with applicable Union and national law under the editorial responsibility and control of a press publisher, audiovisual or other media service provider, who can be held liable under the laws of a Member State, the platforms shall be prohibited from removing, disabling access to, suspending or otherwise interfering with such content or services or suspending or terminating the service providers'

accounts on the basis of the alleged incompatibility of such content with their terms and conditions.

3. Very large online platforms shall ensure that their content moderation, their decision-making processes, the features or functioning of their services, their terms and conditions and recommender systems are objective, fair and non-discriminatory.

Or. en

Amendment 571
Adam Jarubas, Jerzy Buzek

Proposal for a regulation
Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27 a

Mitigation of risks for the freedom of expression and freedom and pluralism of the media

1. Where specific systemic risks for the exercise of freedom of expression and freedom and pluralism of the media pursuant to Article 26(1)(b) emerge, very large online platforms shall ensure that the exercise of these fundamental rights is always adequately and effectively protected.

2. Very large online platforms shall ensure that their content moderation, their decision-making processes, the features or functioning of their services, their terms and conditions and recommender systems are objective, fair and non-discriminatory.

Or. en

Amendment 572
Eva Kaili

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 573
Robert Roos

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

Text proposed by the Commission

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

Amendment

1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the **obligations as set out in Chapter III**:

Or. en

Amendment 574
Marisa Matias
on behalf of the The Left Group

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

Text proposed by the Commission

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

Amendment

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

Amendment 575

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Aligning the article with the title

Amendment 576

Robert Roos

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) *the obligations set out in Chapter III;*

Amendment

deleted

Or. en

Amendment 577

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the obligations set out in Chapter III;

(a) the obligations set out in Chapter III; *these should include auditing the processes and procedures enforced by very large online platforms;*

Or. en

Amendment 578
Robert Roos, Jessica Stegrud

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

Text proposed by the Commission

Amendment

(b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.

deleted

Or. en

Amendment 579
Mikuláš Peksa
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 28 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Audits shall be performed at least on the following:

i. the clarity, coherence and predictable enforcement of terms of service with particular regard to the applicable fundamental rights as enshrined in the Charter;

ii. the completeness, methodology and consistency of the transparency reporting obligations as set out in Articles 13, 23, 24 and 30 as well as respect for highest possible standards on transparency reporting;

iii. accuracy, predictability and clarity of the provider's follow-up for recipients of the service and notice providers to notices of illegal content and terms of service violations and the accuracy of classification (illegal or terms and conditions violation) of removed information;

iv. internal and third-party complaint handling mechanisms;

v. interaction with trusted flaggers and independent assessment of accuracy, response times, efficiency and whether there are indications of abuse;

vi. diligence with regard to verification of the traceability of traders;

vii. the effectiveness of and compliance with codes of conduct;

viii data sufficiency, aiming at the reduction of data generation, in general, and traffic, wherever possible, in particular, do so including the reduction of associated electricity consumptions and resources from data centres, as referred to in Article 27;

ix. readiness to participate in the crisis protocols referred to in Article 37;

Audits on the subjects mentioned in points (i) to (vii) may be combined where the organisation performing the audits has subject-specific expertise on the subject matters at hand.

Or. en

Justification

Introducing clear legal guidance

Amendment 580

Marisa Matias

on behalf of the The Left Group

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

Text proposed by the Commission

2. Audits performed pursuant to paragraph 1 shall be performed by **organisations** which:

Amendment

2. Audits performed pursuant to paragraph 1 shall be performed by ***the not-for-profit bodies, organisation or association which have been properly constituted in accordance with the law of a Member State*** which:

Or. en

Amendment 581
Mikuláš Peksa
on behalf of the Greens/EFA Group

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

Text proposed by the Commission

2. Audits performed pursuant to **paragraph 1** shall be performed by organisations which:

Amendment

2. Audits performed pursuant to **paragraphs 1 and 1a** shall be performed by organisations which:

Or. en

Justification

Alignment of the reference

Amendment 582
Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation
Article 28 – paragraph 2 – point a

Text proposed by the Commission

(a) are independent from the very large online platform concerned;

Amendment

(a) are independent from the very large online platform concerned ***and have not provided any other service to the platform***

in the previous 12 months.

Or. en

Amendment 583

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 28 – paragraph 2 – point c

Text proposed by the Commission

(c) have proven objectivity and professional ethics, based in particular on adherence to *codes of practice or appropriate standards*.

Amendment

(c) have proven objectivity and professional ethics ***and transparent record of the compliance with international human rights framework***, based in particular on adherence to ***the EU Charter of Fundamental Rights, the UN Guiding Principles and the Shadow EU Action Plan on the Implementation of the UN Guiding Principles on Business and Human Rights within the EU***.

Or. en

Amendment 584

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 28 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) have not audited the same very large online platform for more than 3 consecutive years.

Or. en

Amendment 585

Eva Kaili

Proposal for a regulation
Article 28 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) have proven expertise and track record in evaluating processes of content moderation.

Or. en

Amendment 586
Eva Kaili

Proposal for a regulation
Article 28 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The organisations that perform the audits shall establish an audit report for each audit. The report shall be in writing and include at least the following:

3. The organisations that perform the audits shall establish an audit report for each audit. ***Auditors shall be trusted organisations within the new regulatory system. They shall have sufficient policy expertise and experience from conducting audits developing accurate and reliable reports that will address national and regional requirements. Auditors shall be independent of industry and government.*** The report shall be in writing and include at least the following:

Or. en

Amendment 587

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation
Article 28 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) where the audit opinion is ***not***

(f) where the audit opinion is ***negative***,

positive, operational recommendations on specific measures to achieve compliance.

recommendations on specific measures to achieve compliance *and risk-based remediation timelines with a focus on rectifying issues that have the potential to cause most harm to users of the service as a priority.*

Or. en

Amendment 588

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 28 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(f a) where the organisations that perform the audits do not have enough information to conclude an opinion due to the novelty of the issues audited, a relevant disclaimer.

Or. en

Amendment 589

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 28 – paragraph 4

Text proposed by the Commission

Amendment

4. Very large online platforms receiving an audit report that is *not positive* shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement

4. Very large online platforms receiving an audit report that is *contains evidence of systemic risks stemming from the functioning and use made of their services in the Union* shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those

the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

Or. en

Amendment 590

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 28 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The audits shall, immediately after completion, be submitted to Digital Services Coordinators, European Union Agency for Fundamental Rights and to the Commission. Audit findings, not including sensitive information, shall be made public. Digital Services Coordinators, European Union Agency for Fundamental Rights and the Commission may provide a public comment on the audits.

Or. en

Justification

Introducing transparency provisions

Amendment 591

Henna Virkkunen, Eva Maydell, Tomas Tobé, Adam Jarubas, Jerzy Buzek, Pilar del Castillo Vera, Tom Berendsen, Pernille Weiss

Proposal for a regulation

Article 28 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Digital Services Coordinators shall provide very large online platforms under their jurisdiction with an annual audit plan outlining the key areas of focus for the upcoming audit cycle.

Or. en