



2020/0361(COD)

24.6.2021

AMENDMENTS

592 - 716

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 592

Patrizia Toia

Proposal for a regulation

Article 29 – title

Text proposed by the Commission

Amendment

Recommender systems

Recommender *and reputation* systems

Or. en

Amendment 593

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 29 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Online platforms that use recommender systems shall indicate visibly to their recipients that the platform uses recommender systems.

Or. en

Amendment 594

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 29 – paragraph -1 a (new)

Text proposed by the Commission

Amendment

-1 a. Online platforms shall ensure that the option activated by default for the recipient of the service is not based on profiling within the meaning of Article 4(4) of Regulation (EU) 2016/679.

Justification

To protect people's right to privacy, in line with the principles laid down in Regulation (EU) 2016/679, recommender systems shall not be based on profiling by default.

Amendment 595**Marisa Matias**

on behalf of the The Left Group

Proposal for a regulation**Article 29 – paragraph 1***Text proposed by the Commission*

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

Amendment

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

(a) the criteria used by recommender systems, including family of models, input data, performance metrics, and how the model was tested

(b) logs of recommended content and criteria used for such recommendations, including their mutual interactions

(c) information to the Recipients of the service on where content comes from and reasoning about why it has been recommended in a clear, easily accessible and concise information summary format.

(d) to enable Recipients of the service to view profile or profiles used to curate user-generated content for the recipient of the service. Based on such information,

Recipients of the service should be able to rectify or request the deletion of profiles.

Or. en

Amendment 596

Robert Roos

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***Online platforms shall not make the recipients of their services subject to recommender system based on profiling, unless the recipient of the service has expressed a freely given, specific, informed and unambiguous consent. Very*** large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to ***(1)*** modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679 ***or (2) see all information without manipulation.***

Or. en

Amendment 597

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Justification

Proportionality provision

Amendment 598

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 29 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Online platforms that use recommender systems shall set out **separately the information concerning the role and functioning of recommender systems**, in a clear **for average users, concise**, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as **offer controls with the available** options for the recipients of the service **in a user-friendly manner** to modify, **customize** or influence those parameters that they may have made available at least **on basic natural criteria**

such as time, topics of interest, etc.

Or. en

Justification

These obligations should target online platforms, not only VLOPs.

The EDPS strongly recommends to require that such information concerning the role and functioning of recommender systems to be presented separately, in a manner that should be easily accessible, clear for average users and concise.

Amendment 599

Eva Kaili

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 600

Maria Spyraiki

Proposal for a regulation

Article 29 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Those parameters shall always be fair and non-discriminatory.

Amendment 601

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, Karen Melchior

Proposal for a regulation

Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The parameters referred to in paragraph 1 shall include, at a minimum:

(a) whether the recommender system is an automated system and, in that case, the identity of the natural or legal person responsible for the recommender system, if different from the platform provider;

(b) clear information about the criteria used by recommender systems;

(c) the relevance and weight of each criteria which leads to the information recommended;

(e) what goals the relevant system has been optimised for,

(d) if applicable, explanation of the role that the behaviour of the recipients of the service plays in how the relevant system produces its outputs.

Amendment 602

Adam Jarubas, Jerzy Buzek

Proposal for a regulation

Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The parameters used in recommender systems shall always be fair

and non-discriminatory.

Or. en

Amendment 603

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them, ***including any technically possible option to turn off algorithmic selection within the recommender system entirely. Very large online platforms shall establish opt-in mechanisms to recommender systems by default as minimum safeguards of data protection by design and by default within the meaning Article 25 of Regulation (EU) 2016/679.***

Or. en

Amendment 604

Eva Kaili

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible

Amendment

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible

functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

and user-friendly functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

Or. en

Amendment 605

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Aligning the text with previous changes

Amendment 606

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Recipients of the service who decide to opt-in to recommender systems shall be able to:

(a) exclude certain content from their recommendations

(b) exclude certain sources of content from their recommendations

(c) easily withdraw their choice to opt-in and no longer be a part of recommender system

(d) ask for profiles to be deleted

(e) access the service even when refusing to use content recommendations, to ensure the opt-in is meaningful.

Recipients of the service shall be able to do so in an easy and free manner, and at anytime.

Or. en

Amendment 607

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Only data provided voluntarily by the user and with clear consent can be used in recommender systems. Refusing consent shall be as easily visible and not more time-consuming for the recipient than to consent. The provision of an information society service by very large online platforms shall not be conditional on consent to user profiling.

Or. en

Justification

Ensuring proper safeguards

Amendment 608
Eva Kaili

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

Text proposed by the Commission

Amendment

2 a. Very large online platforms shall offer users the choice of recommender systems from third party providers where available. Such third parties must be offered access to the same operating system, hardware or software features that are available or used in the provision by the very large online platform of its own recommender systems.

Or. en

Amendment 609
Patrizia Toia

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

Text proposed by the Commission

Amendment

2 a. Online platforms that use reputation systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters through which information is collected, processed and published as reviews.

Or. en

Amendment 610
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 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Online platforms shall ensure that their online interface is designed in such a way that it does not risk misleading or manipulating the recipients of the service.

Or. en

Justification

Manipulative practices, such as dark patterns, should not be permitted.

Amendment 611

Patrizia Toia

Proposal for a regulation

Article 29 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. The reputation systems shall also comply with the following criteria:

a) a review must be based on a genuine experience of the users and indicate the submission date;

b) a review must be published without undue delay;

c) the order or relative prominence in which reviews are presented by default must not be misleading;

d) in case the platform is aware of the fact that the author of a review has received any benefit for giving the review a specific positive or negative content, it needs to ensure that no such review remains published in its service;

e) in case of a rejection or removal of a review, the author thereof must be informed about the reasons without undue delay;

f) if the reputation system displays reviews for a fixed period of time only, the

duration of this period must be indicated to platform users. This period must be reasonable, but not shorter than 12 months;

g) the platform operator must provide free-of-charge mechanisms which allow platform users to submit a notification of any abuse or to submit a response, which must be published together with that review without undue delay.

Or. en

Amendment 612
Eva Kaili

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

Text proposed by the Commission

Amendment

2 b. Very large online platforms may only limit access to third party recommender systems temporarily in cases of demonstrable abuse by the third party provider or when justified by an immediate requirement to address technical problems such as a serious security vulnerability.

Or. en

Amendment 613
Patrizia Toia

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

Text proposed by the Commission

Amendment

2 c. The platform must ensure the portability of reviews to the reputation system of another platform operator upon the termination of the platform-user

contract.

For the sake of transparency, information about the processes, technical requirements, timeframes and charges that apply in case a platform user wants to transfer reviews to the reputation system of another platform operator must be provided beforehand.

When displaying reviews imported from another platform, the final platform operator is required to indicate the origin of such reviews, when possible.

Or. en

Amendment 614

Eva Kaili

Proposal for a regulation

Article 29 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. *Third parties shall be allowed to provide alternative recommender systems on very large online platforms.*

Or. en

Amendment 615 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 30 – title

Text proposed by the Commission

Amendment

Additional ***online advertising*** transparency

Additional transparency ***for online advertisements and deep fakes***

Or. en

Amendment 616

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

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, ***for advertisements that have been seen by more than 5 000 recipients of the service and*** until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

Amendment 617

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 30 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the natural or legal person who paid for the advertisement;

Or. en

Amendment 618

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 30 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) data regarding the amount of spending;

Or. en

Justification

Information crucial for research.

Amendment 619

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 30 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) whether one or more particular groups of recipients of the service have been explicitly excluded from the advertisement target group;

Or. en

Justification

Exclusion criteria can be at least as relevant as inclusion criteria, In line with EDPS report.

Amendment 620

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

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

Text proposed by the Commission

Amendment

(e) the total number of recipients of the

(e) the total number of recipients of the

service reached *and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.*

service reached.

Or. en

Amendment 621

Eva Kaili

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(e a) whether one or more particular groups of recipients of the service were excluded from the advertisement target group.

Or. en

Amendment 622

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

Proposal for a regulation

Article 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. When very large online platforms sell advertising for display on their online interface, the contract signed with the buyer or the buyer's representative includes a clause providing that the platform guarantees that no content adjacent to the advertisement is incompatible with the terms and conditions of the platform or with the law of the Member States of residence of the recipients of the service to whom the advertisement will be displayed. Any clause to the contrary shall be null and

void.

Or. en

Justification

The amendment aims to ensure that the content to which very large online platforms associate advertisements is legal and compliant with their terms and conditions.

Amendment 623

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 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The Board shall, together with trusted flaggers and vetted researchers, publish guidelines on the way add libraries should be organized.

Or. en

Amendment 624

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 30 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Very large online platforms that display advertising on their online interfaces shall conduct at their own expense, and upon request of advertisers, independent audits performed by organisations complying with the criteria set out in Article 28(2). Such audits shall be based on fair and proportionate conditions agreed between platforms and advertisers, shall be conducted with a reasonable frequency and shall entail:

(a) conducting quantitative and qualitative assessment of cases where advertising is associated with illegal content or with content incompatible with platforms' terms and conditions;

(b) monitoring for and detecting of fraudulent use of their services to fund illegal activities;

(c) assessing the performance of their tools in terms of brand safety. The audit report shall include an opinion on the performance of platforms' tools in terms of brand safety.

Where the audit opinion is not positive, the report shall make operational recommendations to the platforms on specific measures in order to achieve compliance. The platforms shall make available to advertisers, upon request, the results of such audit.

Or. en

Justification

The amendment aims to ensure that the content to which very large online platforms associate advertisements is legal and compliant with their terms and conditions.

Amendment 625

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 30 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Very large online platforms shall label inauthentic video's ('deep fakes') as inauthentic in a way that is clearly visible for the internet user.

Or. en

Amendment 626
Eva Kaili

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 627

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 31 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide **information and** access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the purpose of **facilitating and** conducting **public interest** research that contributes to the identification and understanding of systemic risks as set out in Article 26(1) **and to enable verification of the effectiveness and proportionality of the mitigation measures as set out in**

Article 27(1).

Or. en

Justification

Data access and information from VLOP should be facilitated for scientific research which is carried out in the public interest.

Amendment 628

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article ***and to vetted not-for-profit body, organisation or association which has been properly constituted in accordance with the law of a Member State***, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).

Or. en

Amendment 629

Eva Kaili

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

2. Upon a reasoned request from the

Amendment

2. Upon a reasoned request from the

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

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

Or. en

Amendment 630

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

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

Amendment

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate. ***This shall include personal data only where it is lawfully accessible to the public.***

Or. en

Justification

Introducing safeguards

Amendment 631

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 31 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Very large online platforms shall provide effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access;

Or. en

Justification

To align it with DMA 6(1) h) on measures on data portability with ‘continuous and real-time access’.

Amendment 632

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 31 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. Very large online platforms shall provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-personal aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use, in full compliance with GDPR, only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the

relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of Regulation (EU) 2016/679; the functionalities for giving information and offering the opportunity to grant consent shall be as user-friendly as possible.

Or. en

Justification

To align in with DMA 6.1.g., from the perspective of business users.

Amendment 633

Lina Gálvez Muñoz, Robert Hajšel, Alicia Homs Ginel, 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 31 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3 c. The data provided to vetted researchers shall be as disaggregated as possible, unless the researcher requests it otherwise.

Or. en

Amendment 634

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 31 – paragraph 4

Text proposed by the Commission

Amendment

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records

4. In order to be vetted, researchers shall be affiliated with academic institutions, ***civil society organisations or think tanks representing the public***

of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

interest, be independent from commercial interests, ***disclose the funding financing the research***, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Or. en

Justification

Scientific research serves a valuable function in a democratic society to hold powerful players to account. Data protection should not be misappropriated as a means for powerful players to escape transparency and accountability.

Amendment 635

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 31 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 636

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation
Article 31 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. In order to be vetted, not-for-profit body, organisation or association which has to be 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.

Or. en

Amendment 637
Eva Kaili

Proposal for a regulation
Article 31 – paragraph 5

Text proposed by the Commission

Amendment

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

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

their service.

Or. en

Amendment 638

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 31 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Research conducted under this regime should always be built on open access principles and use standardised data sets to ensure high level of transparency and accountability on proper use of provided data.

Or. en

Justification

Ensuring transparency

Amendment 639

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 31 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7 b. Upon completion of their research, the vetted researchers that have been granted access to data shall publish their findings without disclosing personal data.

Or. en

Justification

Introducing safeguards

Amendment 640
Robert Roos

Proposal for a regulation
Article 32 a (new)

Text proposed by the Commission

Amendment

Article 32 a

The Freedom of Expression Officer

- 1. Very large online platforms shall appoint one or more Freedom of Expression officers. These officers shall continuously assess whether the content removed from the very large online platform concerned is, in fact, illegal content.*
- 2. The Freedom of Expression Officer shall have the professional qualifications, knowledge and experience necessary to assess whether the content is in accordance with the applicable laws, or that it should be deemed illegal.*
- 3. Freedom of Expression Officers shall have the following tasks:*
 - (a) Continuously and, if need be, randomly assess whether deleted content was indeed illegal, or whether the content was within the boundaries of the law.*
 - (b) In the case that the Freedom of Expression Officer finds that content was not illegal and should not have been removed, the Freedom of Expression Officer shall notify the relevant departments in order to ensure that the content is replaced. Subsequently, the Freedom of Expression Officer shall draw up an accessible report on why the content should not be deemed illegal and why it subsequently should not have been removed. The very large online platform*

will publish this report as soon as possible on its designated website.

(c) In the case that leaked information is disseminated via a very large online platform, the Freedom of Expression Officer may give a public recommendation as to whether the leaked information should be deemed as manifestly illegal content and the content should be removed from the platform, or that the content is in the interest of the public debate and subsequently is protected by the freedom of expression. The Freedom of Expression Officer will make its recommendation publicly available as soon as possible.

4. The Freedom of Expression Officer shall under no circumstance seek approval from any body within the very large online platform before he publishes a report or a recommendation. He shall be permitted to exercise his duties completely independently.

5. The Freedom of Expression Officer shall be equipped with sufficient staff. A minimum of 0.5 % of the employed staff within the very large online platform shall be designated to the Bureau of the Freedom of Expression Officer.

6. A very large online platform may be exempted from the requirement set out in paragraph 5. In order to secure this exemption, the very large online platform shall submit a request to the competent Digital Services Coordinator. The Digital Services Coordinator shall grant this request if the decisions made under Article 17 and Article 18 are in 90 % of the cases in favour of the very large online platform.

Or. en

Amendment 641

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 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The reports shall include content moderation broken down per Member State in which the services are offered and in the Union as a whole.

Or. en

Amendment 642

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 33 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. The reports shall be published in the official languages of the Member States of the Union.

Or. en

Amendment 643

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 33 – paragraph 3

Text proposed by the Commission

Amendment

3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security

3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security

of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. In that case, that platform shall transmit the complete reports to the Digital Services Coordinator of establishment and the Commission, accompanied by a statement of the reasons for removing the information from the public reports.

of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. In that case, that platform shall transmit the complete reports to the Digital Services Coordinator of establishment and the Commission, accompanied by a statement of the reasons for removing the information from the public reports. ***The Digital Services Coordinator should be required to publish its decision as to whether it upholds the platform's decision giving the reasons for this. This decision must be subject to review by the relevant judiciary body. For the absence of doubt, mere commercial confidentiality shall not be a reason for a very large online platform to fail to disclose the relevant information.***

Or. en

Amendment 644 Robert Roos

Proposal for a regulation Article 33 – paragraph 3

Text proposed by the Commission

3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. ***In that case, that platform shall transmit the complete reports to the Digital Services Coordinator of establishment and the Commission, accompanied by a statement of the reasons for removing the information from***

Amendment

3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. ***It shall however indicate that information was removed from the report, the scope of the information removed and for what reason the information was removed from the report.***

the *public reports*.

Or. en

Amendment 645

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

Interoperability

- 1. Very large online platforms shall make the core functionalities of their services interoperable with other online platforms to enable cross-platform communication. This obligation shall not limit, hinder or delay their ability to solve security issues and should be in compliance with all their responsibilities, especially regarding fundamental rights and protection of privacy. Online platforms shall not process information obtained for the purpose of cross-platform information exchange for other purposes.***
- 2. Very large online platforms shall publicly document all application programming interfaces they make available and update them continuously.***
- 3. The Commission shall adopt implementing measures specifying the nature and scope of the obligations set out in paragraphs 1 and 2, taking in account not only the individual cases of different very large online providers, but also the market as a whole.***

Or. en

Justification

Ensuring that the market functions properly

Amendment 646
Robert Roos

Proposal for a regulation
Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

Algorithm accountability

The very large online platform shall provide the Commission and interested Member States under the condition of confidentiality with all information necessary to perform an audit of the algorithms used in order to verify how algorithms influence social and political debate and how they impact fundamental rights. When performing their audit, the Commission and interested Member States may seek advice from external researchers. The information necessary to perform the audit shall remain confidential, the audit shall be published.

Or. en

Justification

This necessary to ensure the design of algorithms does not entail any risk for individuals or society

Amendment 647
Eva Kaili

Proposal for a regulation
Article 34 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Commission shall support and promote the development and implementation of **voluntary** industry standards set by relevant European and

1. The Commission shall support and promote the development and implementation of industry standards set by relevant European and international

international standardisation bodies at least for the following:

standardisation bodies *on the basis of a multi-stakeholder, transparent and inclusive process* at least for the following:

Or. en

Amendment 648
Eva Kaili

Proposal for a regulation
Article 34 – paragraph 2

Text proposed by the Commission

2. The Commission shall support the update of the standards in the light of technological developments and the behaviour of the recipients of the services in question.

Amendment

2. The Commission shall support the update of the standards in the light of technological developments and the behaviour of the recipients of the services in question. ***The Commission shall support the drawing up at European level of technical standards on interoperability.***

Or. en

Amendment 649
Mikuláš Peksa
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 34 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In order to facilitate the implementation of national and global environmental policy, as well as to allow individuals to make informed choices and improve competition, the European Commission shall support and promote the development and implementation of standards for the reporting of the environmental impact of the provision of the services provided by very large online platforms.

*Justification**Ensuring proper functioning of the market by standardisation***Amendment 650****Robert Roos, Jessica Stegrud****Proposal for a regulation****Article 35***Text proposed by the Commission**Amendment**Article 35**deleted**Codes of conduct*

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

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

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the

achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

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

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

Or. en

Justification

While we do not oppose the concept of Codes of Conduct, the involvement of the Commission in drawing up and facilitating Codes of Conduct as proposed in this article will result in quasi-legislation. The Commission could use this article to bypass all democratic safeguards.

Amendment 651

Jessica Stegrud, Robert Roos

**Proposal for a regulation
Article 35**

Text proposed by the Commission

Article 35

Codes of conduct

1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this

Amendment

deleted

Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

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

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

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

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

may contain.

Or. en

Amendment 652

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The treatment of illegal content is subject to laws not codes of conduct.

Amendment 653

Maria Spyra

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

2. Where significant systemic risk within the meaning of Article **26(1)** emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of

Amendment

2. Where significant systemic risk within the meaning of Article **26(1)(a)** ***[concerning the dissemination of illegal content]*** emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online

intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

Amendment 654
Maria Spyra

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 655
Eva Kaili

Proposal for a regulation
Article 35 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The codes of conduct should contain a 'fairness-by-design' duty. This duty shall ensure that digital platforms design choice architecture in away that encourages free and informed decision making by consumers, with a requirement to trial and test alternative approaches. The duty shall require platforms to ensure that information and options are clear and easy to find and that information and options are presented in a fair way, enabling users to form their own opinions, and that users are enabled to make choices that want to make now and respect their choices including their ability to change their decisions.

Or. en

Amendment 656
Robert Roos

Proposal for a regulation
Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Codes of conduct for online advertising

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

2. The Commission shall aim to ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure that the codes of conduct address at least:

(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;

(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.

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

Or. en

Justification

While we do not oppose the concept of Codes of Conduct, the involvement of the Commission in drawing up and facilitating Codes of Conduct as proposed in this article will result in quasi-legislation. The Commission could use this article to bypass all democratic safeguards.

Amendment 657

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 36 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the different types of data that can

be used

Or. en

Justification

Ensuring clarity

Amendment 658
Eva Kaili

Proposal for a regulation
Article 36 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date. ***The Codes should contain clear and precise consumer protection and human rights objectives, effective and dissuasive sanctions and be governed in a transparent manner. The effectiveness of the codes of conduct should be regularly assessed and possible legal options should be examined.***

Or. en

Amendment 659
Robert Roos, Jessica Stegrud

Proposal for a regulation
Article 37

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Justification

It is unthinkable that we would impose similar crisis protocols on traditional media. Should we apply the same logic to conventional media the Commission would be drawing up Crisis Protocols with media outlets on how they should cover the crisis. News bulletins would start with stating a government sanctions message and newspapers would print a message authorised by the government on the front page. Therefore we should not impose it on social media. This is notwithstanding the fact that any organization can buy advertisements to disseminate their message.

Amendment 660

Jessica Stegrud, Robert Roos

Proposal for a regulation

Article 37

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 661

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health. ***The Commission is responsible for drafting, implementation and scrutiny of the crisis protocols and shall annually report on it to the European Parliament.***

Or. en

Justification

Ensuring legal clarity on tasks

Amendment 662

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 37 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. All crisis protocols are to be subjected to scrutiny by the European Parliament and need approval from it before being put in place.

Or. en

Justification

Ensuring democratic scrutiny

Amendment 663

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 37 a (new)

Text proposed by the Commission

Amendment

Article 37 a

Accountability and transparency

1. Before initiating or facilitating the drafting or the revision of codes of conduct and crisis protocols, the Commission shall:

- (a) consider the appropriateness of proposing legislation;**
- (b) publish the content of its proposals;**
- (c) invite the European Parliament, the**

Council, the Fundamental Rights Agency, the public and, where relevant, the European Data Protection Supervisor to express their opinion and publish their opinions during the public consultation procedure;

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

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

3. The Commission shall publish the codes of conduct and crisis protocols and their parties and keep the information updated.

Or. en

Justification

Ensuring proper process and transparency

Amendment 664

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for ***all matters relating to*** application and enforcement of this Regulation in that Member State, unless the Member State

Amendment

2. Member States shall designate one of the competent authorities ***with relevant expertise in the field of data protection, consumer protection or regulation of user-generated content*** as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for ***the***

concerned has assigned certain specific tasks or sectors to other competent authorities. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of *those* matters and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

application and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. ***In particular, supervisory authorities designated under Regulation (EU) 2016/679 shall be tasked with application and enforcement of measures related to data processing set forth under this Regulation.*** The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of matters ***related to this Regulation*** and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

Or. en

Amendment 665
Eva Kaili

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the Board and the Commission, without prejudice to the possibility for Member States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator.

Amendment

For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the Board and the Commission, without prejudice to the possibility for Member States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator, ***including sharing information on cross-border cases and providing support for each other during ongoing interventions and investigations.***

Or. en

Amendment 666

Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Board should create a publicly accessible list of all national Digital Coordinators and competent national authorities with the relevant expertise designated by Member States that will be regularly updated and monitored by the Board.

Or. en

Amendment 667
Gianna Gancia, Elena Lizzi

Proposal for a regulation
Article 38 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.

Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.
The Commission should provide guidance to Member States to ensure a consistent approach on how national, local and regional authorities should relate to their Digital Services Coordinators.

Or. en

Amendment 668
Robert Roos, Jessica Stegrud

Proposal for a regulation
Article 38 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.

Amendment

Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.
The Commission, as well, shall publish and update a register containing the name and contact information of the Digital Service Coordinators responsible in each Member State;

Or. en

Amendment 669

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States shall, via Digital Coordinator(s), provide for a clear legal basis for the cooperation between and among relevant national authorities, each acting within their respective areas of competence. The Digital Coordinator should publicly list all competent authorities that are involved in the cooperation and identify the circumstances in which cooperation should take place, and adopt guidelines for cooperation that include clear deadlines. Such competent authorities should be included in the publicly accessible list administered by the Board, as described in Article 38(2).

Or. en

Amendment 670
Gianna Gancia, Elena Lizzi

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out their tasks. ***Such resources could include - and not be limited to - access to training and regular exchanges with the service provider to understand the specificities of their business model.***

Or. en

Amendment 671
Eva Kaili

Proposal for a regulation
Article 39 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, ***independent***, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have ***all necessary*** technical, financial and human resources (***including skill and competence building***) and ***infrastructure*** to carry out their tasks.

Or. en

Amendment 672

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 39 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 673

Gianna Gancia, Elena Lizzi

Proposal for a regulation

Article 39 – paragraph 2

Text proposed by the Commission

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

Amendment

2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Digital Services Coordinators shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall **not** take instructions from any other public authority or any private party. **Digital Services Coordinators should be able to seek information from a public authority or private party if it deems it necessary to carry its role and power and still maintain its independence and neutrality.**

Or. en

Amendment 674

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 41 – paragraph 2 – point b

Text proposed by the Commission

(b) the power to order the cessation of infringements and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;

Amendment

(b) the power to order the cessation of infringements and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end. ***Digital Service coordinators and national authorities with relevant expertise to exercise oversight of this Regulation shall have the power to order the prohibition on the deployment of recommender systems at least until compliance with fundamental rights is guaranteed and the consumer and fundamental rights of online users are sufficiently protected ;***

Or. en

Amendment 675

Eva Kaili

Proposal for a regulation

Article 41 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the power to order the prohibition on the deployment of open content recommendation systems at least until compliance is guaranteed and the fundamental rights of users are sufficiently protected.

Or. en

Amendment 676
Robert Roos

Proposal for a regulation
Article 41 – paragraph 3 – subparagraph 3 – point b

Text proposed by the Commission

(b) the temporary restriction does not ***unduly*** restrict access to lawful information by recipients of the service, ***having regard to the number of recipients affected and whether any adequate and readily accessible alternatives exist.***

Amendment

(b) the temporary restriction does not restrict access to lawful information by recipients of the service.

Or. en

Amendment 677
Eva Kaili

Proposal for a regulation
Article 41 – paragraph 6

Text proposed by the Commission

6. Member States shall ensure that any exercise of the powers pursuant to paragraphs 1, 2 and 3 is subject to adequate safeguards laid down in the applicable national law in conformity with the Charter and with the general principles of Union law. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all affected parties.

Amendment

6. Member States shall ensure that any exercise of the powers pursuant to paragraphs 1, 2 and 3 is subject to adequate safeguards laid down in the applicable national law in conformity with the Charter and with the general principles of Union law. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all affected parties. ***The degree of enforcement should be commensurate with the degree of market power that the provider of intermediary services has.***

Or. en

Amendment 678

Robert Roos

**Proposal for a regulation
Article 41 – paragraph 6**

Text proposed by the Commission

6. Member States shall ensure that any exercise of the powers pursuant to paragraphs 1, 2 and 3 is subject to **adequate** safeguards laid down in the applicable national law **in** conformity with the Charter and with the general principles of Union law. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all affected parties.

Amendment

6. Member States shall ensure that any exercise of the powers pursuant to paragraphs 1, 2 and 3 is subject to **the highest** safeguards laid down in the applicable national law **and in absolute** conformity with the Charter and with the general principles of Union law. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all affected parties.

Or. en

Amendment 679

Mikuláš Peksa

on behalf of the Greens/EFA Group

**Proposal for a regulation
Article 42 – paragraph 1**

Text proposed by the Commission

1. **Member States** shall lay down the rules on penalties applicable to infringements of this Regulation by providers of intermediary services **under their jurisdiction and shall take all the necessary measures to ensure that they are implemented in accordance with Article 41.**

Amendment

1. **The Commission** shall lay down the rules on penalties applicable to infringements of this Regulation by providers of intermediary services.

Or. en

Justification

Provision needed to achieve a level playing field

Amendment 680

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 42 – paragraph 2

Text proposed by the Commission

2. Penalties shall be effective, proportionate and dissuasive. **Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.**

Amendment

2. Penalties shall be effective, proportionate and dissuasive.

Or. en

Justification

Change needed for legal consistency.

Amendment 681

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 42 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed 6 % of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the annual income or turnover of the provider

Amendment

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed 6 % of the annual income or **global** turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the annual income or **global** turnover of the

concerned.

provider concerned.

Or. en

Amendment 682

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 42 – paragraph 3

Text proposed by the Commission

3. *Member States* shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed 6 % of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the annual income or turnover of the provider concerned.

Amendment

3. *The Commission* shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed 6 % of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the annual income or turnover of the provider concerned.

Or. en

Justification

Ensuring harmonisation and level playing field

Amendment 683

Eva Kaili

Proposal for a regulation

Article 42 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the

Amendment

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the

average daily turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

average daily turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned. ***The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the periodic penalty payment. The methodology shall specify, in particular, the criteria and parameters to calculate the penalties imposed at the national level.***

Or. en

Amendment 684

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 42 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

Amendment

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily ***global*** turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

Or. en

Amendment 685

Mikuláš Peksa

on behalf of the Greens/EFA Group

Proposal for a regulation Article 42 – paragraph 4

Text proposed by the Commission

4. **Member States** shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

Amendment

4. **The Commission** shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

Or. en

Justification

Ensuring harmonisation and level playing field

Amendment 686

Robert Roos

Proposal for a regulation

Article 42 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. If the providers of intermediary services qualifies as an SME all of the above mentioned percentages will be divided by three.

Or. en

Amendment 687

François-Xavier Bellamy, Geoffroy Didier

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

Amendment

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the

Recipients of the service, **as well as other parties having a legitimate interest and meeting relevant criteria of expertise and independence from any online hosting services provider or platform** shall have

Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

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

Or. en

Amendment 688
Robert Roos, Jessica Stegrud

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 689

Eva Kaili

Proposal for a regulation

Article 47 – paragraph 1

Text proposed by the Commission

1. An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established.

Amendment

1. An independent advisory ***and regulatory*** group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established.

Or. en

Amendment 690

Eva Kaili

Proposal for a regulation

Article 47 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) facilitating the creation of a joint decision-making process to reach mutual agreement among independent national regulators on further actions.

Or. en

Amendment 691

Eva Kaili

Proposal for a regulation

Article 47 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(c b) monitoring the compliance of online platforms with the requirements for meaningful transparency.

Or. en

Amendment 692
Eva Kaili

Proposal for a regulation
Article 47 – paragraph 2 – point c c (new)

Text proposed by the Commission

Amendment

(c c) conducting human rights impact assessments to ensure platforms' compliance with transparency safeguards established by the DSA legislative framework;

Or. en

Amendment 693
Eva Kaili

Proposal for a regulation
Article 47 – paragraph 2 – point c d (new)

Text proposed by the Commission

Amendment

(c d) performing fundamental rights auditing of platforms content recommendation systems, advertising and microtargeting, and content moderation;

Or. en

Amendment 694
Eva Kaili

Proposal for a regulation
Article 47 – paragraph 2 – point c e (new)

Text proposed by the Commission

Amendment

(c e) enabling and supervise the data access framework dedicated to research for public interest. Facilitating the exercise of the right of an individual (or a

smaller online platform) to directly challenge a decision of a very large online platforms to remove content.

Or. en

Amendment 695

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 48 – paragraph 3

Text proposed by the Commission

3. The Board shall be chaired by *the Commission*. *The Commission* shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.

Amendment

3. The Board shall be chaired by *a president elected within its members on a rotating basis. The chair of the Board should not be allowed to lead any national regulatory office in their respective Member States at the same time. The length of the chair mandate should be limited to a maximum of three years, renewable once. The European Parliament Committee on Civil Liberties, Justice and Home Affairs should hear candidates and designate the chair by vote. The chair of the Board* shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.

Or. en

Amendment 696

Eva Kaili

Proposal for a regulation

Article 48 – paragraph 3

Text proposed by the Commission

3. The Board shall be chaired by *the Commission*. *The Commission* shall

Amendment

3. The Board shall be chaired by *an independent authority and assisted by a*

convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.

secretariat. The authority shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.

Or. en

Amendment 697

Gianna Gancia, Elena Lizzi

Proposal for a regulation

Article 49 – paragraph 1 – point c

Text proposed by the Commission

(c) *issue opinions, recommendations or advice to Digital Services Coordinators in accordance with* this Regulation;

Amendment

(c) *as and when requested by a Digital Services Coordinator, issue non-legally binding opinions and recommendations, in discussion with all involved stakeholders, which serve as a way to remedy the problem and ensure a consistent enforcement of* this Regulation;

Or. en

Amendment 698

Eva Kaili

Proposal for a regulation

Article 49 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) *issue own-initiative opinions;*

Or. en

Amendment 699

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 49 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) issue own-initiative opinions;

Or. en

Amendment 700

Eva Kaili

Proposal for a regulation

Article 49 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(e b) issue opinions on matters other than measures taken by the Commission.

Or. en

Amendment 701

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 49 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(e b) issue opinions on matters, other than measures taken by the Commission, that contribute to the proper application of this Regulation.

Or. en

Amendment 702

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 52 – paragraph 1

Text proposed by the Commission

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

Amendment

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period. ***A not-for-profit body, organisation or association which has been properly constituted in accordance with the law of a Member State, have statutory objectives which are in the public interest, and are active in the field of the protection of Recipients' 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, may assist in this process and the performance of audits.***

Or. en

Amendment 703

Marisa Matias

on behalf of the The Left Group

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the

Amendment

1. The Commission shall adopt a non-compliance decision ***and act according to Article 59*** where it finds that the very large online platform concerned does not comply

following:

with one or more of the following:

Or. en

Amendment 704

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 59 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the decision pursuant to Article 58, the Commission may impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that *that* platform, intentionally or negligently:

Amendment

1. In the decision pursuant to Article 58, the Commission may impose on the very large online platform concerned fines not exceeding 6% of its total *global* turnover in the preceding financial year where it finds that *the* platform, intentionally or negligently:

Or. en

Amendment 705

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 59 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or negligently:

Amendment

2. The Commission may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total *global* turnover in the preceding financial year, where they intentionally or negligently:

Or. en

Amendment 706

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 60 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding 5 % of the average daily turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:

Amendment

1. The Commission may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding 5 % of the average daily **global** turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:

Or. en

Amendment 707

Robert Roos, Jessica Stegrud

Proposal for a regulation

Article 64 – paragraph 1

Text proposed by the Commission

1. The Commission shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties **and the main** content of the decision, including any penalties imposed.

Amendment

1. The Commission shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties, **the** content of the decision **and all the documents or other forms of information on which the decision is based**, including any penalties imposed.

Or. en

Amendment 708

Eva Kaili

Proposal for a regulation

Article 66 – paragraph 2

Text proposed by the Commission

2. Those implementing acts shall be adopted in accordance with the **advisory** procedure referred to in Article 70. Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which shall not be less than one month.

Amendment

2. Those implementing acts shall be adopted in accordance with the **examination** procedure referred to in Article 70. Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which shall not be less than one month.

Or. en

Amendment 709

Eva Kaili

Proposal for a regulation

Article 67 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information sharing system and its interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the **advisory** procedure referred to in Article 70.

Amendment

3. The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information sharing system and its interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the **examination** procedure referred to in Article 70.

Or. en

Amendment 710

Robert Roos

Proposal for a regulation

Article 67 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Information stored in the information sharing system shall fall under the scope of article 15 of the Treaty on the functioning of the European Union and article 42 of the EU Charter on fundamental rights. This provision is without prejudice to regulation 1049/2001.

Or. en

Amendment 711

Robert Roos

Proposal for a regulation

Article 68 – paragraph 1 – 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 speech and its limitations including the applicable case-law of the European Court of Human Rights;

Or. en

Amendment 712

Eva Kaili

Proposal for a regulation

Article 69 – paragraph 2

Text proposed by the Commission

Amendment

2. The delegation of power referred to in Articles 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].

2. The delegation of power referred to in Articles 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation]. ***It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and***

drawing up delegated acts, shall ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. en

Amendment 713

Eva Kaili

Proposal for a regulation

Article 73 – paragraph 1

Text proposed by the Commission

1. By five years after the entry into force of this Regulation at the latest, and every *five* years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

1. By five years after the entry into force of this Regulation at the latest, and every *teo* years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Or. en

Amendment 714

Robert Roos

Proposal for a regulation

Article 73 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The evaluation shall pay specific attention to the position of SMEs and the position of new competitors.

Or. en

Amendment 715

Eva Kaili

Proposal for a regulation

Article 73 – paragraph 3

Text proposed by the Commission

3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account the positions and findings of the European Parliament, the Council, and other relevant bodies or sources.

Amendment

3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account the positions and findings of the European Parliament, the Council, **the Board** and other relevant bodies or sources. ***The evaluation procedure shall be based on a broad and inclusive consultation process including the voice of users and consumers. The Commission shall evaluate this Regulation together with the implementing and delegated acts referred to in this Directive, and shall submit the results of the evaluation to the European Parliament and the Council no later than...***

Or. en

Amendment 716

Gianna Gancia, Elena Lizzi

Proposal for a regulation Article 74 – paragraph 2

Text proposed by the Commission

2. It shall apply from [date - **three** months after its entry into force].

Amendment

2. It shall apply from [date - **nine** months after its entry into force].

Or. en