



2020/2019(INL)

5.6.2020

AMENDMENTS

1 - 229

Draft report
Tiemo Wölken
(PE650.529v01-00)

Digital Services Act: adapting commercial and civil law rules for commercial entities operating online
(2020/2019(INL))

Amendment 1

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher, Stéphane Séjourné

Motion for a resolution

Citation 3 a (new)

Motion for a resolution

Amendment

- ***having regard to Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004, Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR) and Directive 2009/22/EC (Directive on consumer ADR), and Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,***

Or. en

Amendment 2

Ibán García Del Blanco

Motion for a resolution

Citation 3 a (new)

Motion for a resolution

Amendment

- ***having regard to Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC,***

Or. en

Amendment 3

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution

Citation 5 a (new)

Motion for a resolution

Amendment

- *having regard to the commitment of the European Commission President, Ms. Ursula von der Leyen, to upgrade the liability and safety rules for digital platforms, services and products, and complete the Digital Single Market via a Digital Services Act,*

Or. en

Amendment 4

József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution

Citation 7 a (new)

Motion for a resolution

Amendment

- *having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 25 May 2016 on Online Platforms and the Digital Single Market - Opportunities and Challenges for Europe (COM(2016)288),*

Or. en

Amendment 5

József Szájer, Jiří Pospíšil, Javier Zarzalejos, Esteban González Pons

Motion for a resolution

Citation 7 b (new)

Motion for a resolution

Amendment

- ***having regard to the Recommendation of the Commission of 1 March 2018 on measures to effectively tackle illegal content online (C(2018) 1177),***

Or. en

Amendment 6

József Szájer, Esteban González Pons, Jiří Pospíšil

Motion for a resolution

Citation 7 c (new)

Motion for a resolution

Amendment

- ***having regard to the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market,***

Or. en

Amendment 7

József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution

Citation 7 d (new)

Motion for a resolution

Amendment

- ***having regard to the Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services,***

Amendment 8
József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution
Citation 7 e (new)

Motion for a resolution

Amendment

- *having regard to the Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography,*

Or. en

Amendment 9
József Szájer, Jiří Pospíšil, Javier Zarzalejos, Esteban González Pons

Motion for a resolution
Citation 7 f (new)

Motion for a resolution

Amendment

- *having regard to the Directive (EU) 2017/541/EU of the European Parliament and of the Council of 15 March 2017 on combating terrorism,*

Or. en

Amendment 10
Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution
Citation 8

Motion for a resolution

Amendment

- having regard to Article 10 of the

- having regard to *Article 11 of the*

European Convention on Human Rights,

Charter of Fundamental Rights of the European Union and Article 10 of the European Convention on Human Rights,

Or. en

Amendment 11

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution

Citation 8 a (new)

Motion for a resolution

Amendment

- ***having regard to the 2007 Lugano Convention and the 1958 New York Convention,***

Or. en

Amendment 12

József Szájer, Jiří Pospíšil

Motion for a resolution

Recital A

Motion for a resolution

Amendment

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, need to be regulated in a way that balances central concerns like respect for fundamental rights and other rights of citizens, with the need to support development and economic progress;

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, need to be regulated in a way that balances central concerns like respect for fundamental rights and other rights of citizens, with the need to support development and economic progress, ***taking into account the interests of users and all market participants, with particular regard to small businesses, SMEs and start-ups;***

Or. en

Amendment 13
Angel Dzhambazki

Motion for a resolution
Recital A

Motion for a resolution

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, need to be regulated in a way that balances central concerns *like* respect for fundamental rights and *other rights of* citizens, with the need to support development and economic progress;

Amendment

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, need to be regulated in a way that balances central concerns *including* respect for fundamental rights and *protecting* citizens *from harmful and illegal content*, with the need to support development, *trust online* and economic progress;

Or. en

Amendment 14
Gunnar Beck

Motion for a resolution
Recital A

Motion for a resolution

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, *need to* be regulated in a way that balances central concerns like *respect for fundamental* rights and *other rights of citizens, with the need to support* development *and economic progress*;

Amendment

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, *could* be regulated in a way that balances central concerns like *individual* rights and *liberties with economic* development;

Or. en

Amendment 15
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Recital A

PE642.466v02-00

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Motion for a resolution

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, need to be regulated in a way that ***balances central concerns like respect for fundamental rights and other rights of citizens, with the need to support development and economic progress;***

Amendment

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, need to be regulated in a way that ***guarantees*** fundamental rights and other rights; ***at the same time, such guarantees must allow for*** development and economic progress ***to be supported;***

Or. fr

Amendment 16
Patrick Breyer

Motion for a resolution
Recital A

Motion for a resolution

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, need to be regulated in a way that ***balances central concerns like respect for fundamental rights and other rights of citizens, with the need to support development and*** economic progress;

Amendment

A. whereas digital services, being a cornerstone of the Union's economy and the livelihood of a large number of its citizens, need to be regulated in a way that ***respects*** fundamental rights ***while supporting*** economic progress ***and the digital environment;***

Or. en

Amendment 17
Ibán García Del Blanco

Motion for a resolution
Recital A a (new)

Motion for a resolution

Aa. whereas Directive (EU) 2018/1801 has recently updated many of the rules applicable to audiovisual media services, including video-sharing

Amendment

platforms, and must be implemented by Member States by 19 September 2020.

Or. en

Amendment 18
Ibán García Del Blanco

Motion for a resolution
Recital A b (new)

Motion for a resolution

Amendment

Ab. whereas Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, have established new rules for online content-sharing providers and must be implemented by Member States by 7 June 2021.

Or. en

Amendment 19
Daniel Buda

Motion for a resolution
Recital B

Motion for a resolution

Amendment

B. whereas a number of key civil and commercial law aspects have not been addressed satisfactorily in Union or national law, and whereas this situation is exacerbated by the rapid and accelerating developments over the last decades in the field of digital services, in particular the emergence of new business models;

B. whereas European society has been facing increasingly rapid developments in digital services in recent decades and, in particular, the emergence of new business models, technologies and social realities; whereas, in this context, Union and national law require the comprehensive updating of the essential provisions of civil and commercial law applicable to online commercial entities;

Or. ro

Amendment 20
Gunnar Beck

Motion for a resolution
Recital B

Motion for a resolution

B. whereas a number of key civil and commercial law aspects ***have not*** been addressed satisfactorily in Union or national law, ***and whereas this situation is exacerbated by the rapid and accelerating developments over the last decades in the field of digital services, in particular*** the emergence of new business models;

Amendment

B. whereas a number of key civil and commercial law aspects ***might not have*** been addressed satisfactorily in Union or national law, ***such as regarding*** the emergence of new business models;

Or. en

Amendment 21
Raffaele Stancanelli

Motion for a resolution
Recital B a (new)

Motion for a resolution

Ba. whereas the constant increase in the supply of products and services through the use of hosting platforms lends itself to situations that have the potential to mislead consumers as to the actual origin of goods and services; and whereas illegal activities connected with the use of digital services cause huge losses for the whole of Europe's production industry, whose expertise and craft traditions should be better safeguarded by commercial entities operating online;

Amendment

Or. it

Amendment 22

József Szájer, Marion Walsmann, Jiří Pospíšil, Javier Zarzalejos

Motion for a resolution

Recital B a (new)

Motion for a resolution

Amendment

Ba. whereas digital services are used by the majority of Europeans on a daily basis, but are subject to an increasingly wide set of rules across the EU leading to significant fragmentation on the market and consequently legal uncertainty for European users and services operating cross-borders, combined with lack of regulatory control on key aspects of today's information environment;

Or. en

Amendment 23

Jiří Pospíšil

Motion for a resolution

Recital C

Motion for a resolution

Amendment

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, market dominance that makes it increasingly difficult for other players to compete;

C. whereas some businesses offering digital services ***could*** enjoy, due to strong data-driven network effects, market dominance that makes it increasingly difficult for other players to compete; ***this is the current under review; there is currently no clear basis in evidence that so-called network effects have led to a reduction in consumer choice or barriers to entry for new market entrants;***

Or. cs

Amendment 24

Daniel Buda

Motion for a resolution
Recital C

Motion for a resolution

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, market dominance that makes it increasingly difficult for other players to compete;

Amendment

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, market dominance that ***enables them to impose their business practices on users and*** makes it increasingly difficult for other players to compete;

Or. ro

Amendment 25
Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution
Recital C

Motion for a resolution

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, market dominance that makes it increasingly difficult for other players to compete;

Amendment

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, market dominance that makes it increasingly difficult for other players to compete ***and difficult for new businesses to even enter the market;***

Or. en

Amendment 26
Angel Dzhambazki

Motion for a resolution
Recital C

Motion for a resolution

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, market dominance that makes it increasingly difficult for other players to compete;

Amendment

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, market dominance that makes it increasingly difficult for other players, ***including start-ups,*** to compete;

Amendment 27
Gunnar Beck

Motion for a resolution
Recital C

Motion for a resolution

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, market dominance **that makes it increasingly difficult for other players to compete**;

Amendment

C. whereas some businesses offering digital services **could** enjoy, due to strong data-driven network effects, market dominance **which could lead to barriers to entry the market hampering potential new players**;

Amendment 28
Tiemo Wölken

Motion for a resolution
Recital C

Motion for a resolution

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, market **dominance** that makes it increasingly difficult for other players to compete;

Amendment

C. whereas some businesses offering digital services enjoy, due to strong data-driven network effects, **significant** market **power** that makes it increasingly difficult for other players to compete;

Amendment 29
Jiří Pospíšil

Motion for a resolution
Recital D

Motion for a resolution

Amendment

D. *whereas ex-post competition law enforcement alone cannot effectively address the impact of the market dominance of certain online platforms on fair competition in the digital single market;*

deleted

Or. cs

Amendment 30
Stéphane Séjourné

Motion for a resolution
Recital D

Motion for a resolution

Amendment

D. *whereas ex-post competition law enforcement alone cannot effectively address the impact of the market dominance of certain online platforms on fair competition in the digital single market;*

D. *whereas ex-post competition law enforcement alone cannot effectively address the impact of the market dominance of certain online platforms on fair competition in the digital single market; **whereas competition law applied to the digital economy sector needs to be redefined in order to equip the sector with effective means to take into account the market power of digital actors;***

Or. fr

Amendment 31
Gunnar Beck

Motion for a resolution
Recital D

Motion for a resolution

Amendment

D. *whereas **ex-post** competition law enforcement alone cannot effectively address the impact of the market dominance of certain online platforms on*

D. *whereas **holding a dominant position is not in itself an infringement of EU competition law (article 102 TFEU), and the holders of such positions are***

fair competition in the digital single market;

allowed to compete on merit, like any other company, given that a position of dominance confers on an undertaking a special responsibility to ensure that its conduct does not distort competition;

Or. en

Amendment 32

Tiemo Wölken

Motion for a resolution

Recital D

Motion for a resolution

D. whereas ex-post competition law enforcement alone cannot effectively address the impact of the market **dominance** of certain online platforms on fair competition in the digital single market;

Amendment

D. whereas ex-post competition law enforcement alone cannot effectively address the impact of the market **power** of certain online platforms on fair competition in the digital single market;

Or. en

Amendment 33

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution

Recital D

Motion for a resolution

D. whereas ex-post competition law enforcement alone cannot effectively address the impact of the market dominance of certain online platforms **on fair competition** in the digital single market;

Amendment

D. whereas ex-post competition law enforcement alone cannot effectively address the impact of the market dominance of certain online platforms in the digital single market;

Or. en

Amendment 34
Daniel Buda

Motion for a resolution
Recital D a (new)

Motion for a resolution

Amendment

Da. whereas the platform architecture, with its terms and conditions defined by rights and obligations, has become an intrinsic factor in terms of competition, being linked to the service quality offered to not only business users of online intermediation services, for example, but also end consumers;

Or. ro

Amendment 35
Stéphane Séjourné

Motion for a resolution
Recital E

Motion for a resolution

Amendment

E. whereas content hosting platforms evolved from involving the mere display of content into sophisticated bodies and market players, in particular in the case of social networks that harvest and exploit usage data; whereas users have reasonable grounds to expect fair terms for the usage of such platforms;

E. whereas content hosting platforms evolved from involving the mere display of content into sophisticated bodies and market players, in particular in the case of social networks that harvest and exploit usage data; whereas users have reasonable grounds to expect fair terms for the usage of such platforms; ***whereas users, whether private individuals or legal persons, have objective reasons to require fair terms with respect to access, transparency, pricing and conflict resolution;***

Or. fr

Amendment 36
Ibán García Del Blanco

Motion for a resolution
Recital E

Motion for a resolution

E. whereas content hosting platforms evolved from involving the mere display of content into sophisticated bodies and market players, in particular in the case of social networks that harvest and exploit usage data; whereas users have reasonable grounds to expect fair terms for the usage of such *platforms*;

Amendment

E. whereas content hosting platforms evolved from involving the mere display of content into sophisticated bodies and market players, in particular in the case of social networks that harvest and exploit usage data; whereas users have reasonable grounds to expect fair terms for the usage of such *platform and for the use that platforms make of the users' data*; ;

Or. en

Amendment 37
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Recital E

Motion for a resolution

E. whereas content hosting platforms evolved from involving the mere display of content into sophisticated bodies and market players, in particular in the case of social networks that *harvest* and *exploit* usage data; whereas users have *reasonable* grounds to *expect* fair terms for the usage of such platforms;

Amendment

E. whereas content hosting platforms evolved from involving the mere display of content into sophisticated bodies and market players, in particular in the case of social networks that *optimise content which harvests* and *exploits* usage data; whereas users have *legitimate* grounds *and substantive rights* to *demand* fair terms for the usage of such platforms;

Or. fr

Amendment 38
Stéphane Séjourné

Motion for a resolution
Recital E a (new)

Motion for a resolution

Amendment

Ea. whereas, in the context of transactions, the online marketplace contains grey areas, as some websites or online marketplaces are used to sell products in violation of the rules applicable in EU countries, and whereas it is therefore important that measures be taken against internet service providers to stop or prevent infringements of intellectual property rights and to ensure consumer safety;

Or. fr

Amendment 39
Daniel Buda

Motion for a resolution
Recital E a (new)

Motion for a resolution

Amendment

Ea. whereas social media networks and the collaborative economy are blurring the lines between content and service providers and consumers, supply patterns having spread out horizontally rather than being vertical and linear.

Or. ro

Amendment 40
Ibán García Del Blanco

Motion for a resolution
Recital E a (new)

Motion for a resolution

Amendment

Ea. whereas transparency of digital services and content hosting platforms could contribute to increasing the

significant form of trust in them by companies and users of these services.

Or. en

Amendment 41

Emmanuel Maurel, Manon Aubry

Motion for a resolution

Recital F

Motion for a resolution

F. whereas content hosting platforms **may** determine what content is shown to their users, thereby profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects fundamental rights and the civil law rights of the users;

Amendment

F. whereas content hosting platforms determine what content is shown to their users, thereby profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects fundamental rights and the civil law rights of the users; ***whereas it is demonstrated that many illegal products and services are offered through online marketplaces, requiring action to be taken via the Digital Services Act; whereas the Digital Services Act must lay down clear obligations for online platforms and a special liability regime for online marketplaces;***

Or. fr

Amendment 42

Stéphane Séjourné

Motion for a resolution

Recital F

Motion for a resolution

F. whereas content hosting platforms may determine what content is shown to their users, thereby profoundly influencing

Amendment

F. whereas content hosting platforms may determine what content is shown to their users, thereby profoundly influencing

the way we obtain and communicate information, to the point that content hosting platforms have de facto become public *spaces* in the digital sphere; whereas public spaces must be managed in a manner that respects fundamental rights *and the civil law rights of the users*;

the way we obtain and communicate information, to the point that content hosting platforms have de facto become *a public space* in the digital sphere, *causing people to be dispossessed, deprived of their rights, and provoking increasingly serious interference in the functioning of democratic life and repeated violations of fundamental rights*; whereas public spaces must be managed in a manner that respects *all* fundamental rights;

Or. fr

Amendment 43
Gunnar Beck

Motion for a resolution
Recital F

Motion for a resolution

F. whereas content hosting platforms may determine what content is shown to their users, thereby *profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere*; *whereas public spaces must be managed in a manner that respects fundamental rights and the civil law rights of the users*;

Amendment

F. whereas content hosting platforms may determine what content is shown to their users, thereby, *like any undertaking, deciding on which products and services to offer and not to offer to consumers*;

Or. en

Amendment 44
Caterina Chinnici

Motion for a resolution
Recital F

Motion for a resolution

F. whereas content hosting platforms may determine what content is shown to

Amendment

F. whereas content hosting platforms may determine what content is shown to

their users, thereby profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects fundamental rights and the civil law rights of the users;

their users, thereby profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects fundamental rights, ***in particular the one to freedom of expression and information***, and the civil law rights of the users;

Or. en

Amendment 45
Angel Dzhambazki

Motion for a resolution
Recital F

Motion for a resolution

F. whereas content hosting platforms ***may determine*** what content is shown to their users, thereby profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects fundamental rights and the civil law rights of the users;

Amendment

F. whereas content hosting platforms ***play a key role in determining*** what content is shown to their users, thereby profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that ***protects public interests***, respects fundamental rights and the civil law rights of the users;

Or. en

Amendment 46
Jiří Pospíšil

Motion for a resolution
Recital F

Motion for a resolution

F. whereas content hosting platforms may determine what content is shown to

Amendment

F. whereas content hosting platforms may determine what content is shown to

their users, thereby profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects fundamental rights and the civil law rights of the users;

their users, thereby profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that ***protects public health and user safety and*** respects fundamental rights and the civil law rights of the users;

Or. en

Amendment 47
Marion Walsmann

Motion for a resolution
Recital F

Motion for a resolution

F. whereas content hosting platforms may determine what content ***is*** shown to their users, thereby profoundly influencing the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects fundamental rights and the civil law rights of the users;

Amendment

F. whereas content hosting platforms may determine what ***and how*** content, ***services and products are*** shown to their users, thereby profoundly influencing the way we obtain and communicate information, to the point that ***a few*** content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects fundamental rights and the civil law rights of the users;

Or. en

Amendment 48
József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution
Recital F

Motion for a resolution

F. whereas ***content hosting*** platforms may determine what content is shown to their users, thereby profoundly influencing

Amendment

F. whereas ***certain*** platforms may determine what content is shown to their users, thereby profoundly influencing the

the way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects *fundamental rights and the civil law* rights of the users;

way we obtain and communicate information, to the point that content hosting platforms have de facto become public spaces in the digital sphere; whereas public spaces must be managed in a manner that respects *the* rights of the users;

Or. en

Amendment 49

József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution

Recital G

Motion for a resolution

G. whereas upholding the law in the digital world does not only involve effective enforcement of rights, *but also, in particular, ensuring access to justice for all*; whereas *delegation of the* taking of decisions *regarding the legality of content or of law enforcement powers to private companies can undermine the right to a fair trial and risks not to provide an effective remedy*;

Amendment

G. whereas upholding the law in the digital world does not only involve effective enforcement of rights; whereas taking of decisions *of digital service providers should be complemented by a fast-track legal procedure with adequate guarantees*;

Or. en

Amendment 50

Ibán García Del Blanco

Motion for a resolution

Recital G

Motion for a resolution

G. whereas upholding the law in the digital world does *not only* involve *effective* enforcement of rights, *but also*, in particular, ensuring access to justice for all; *whereas delegation of the taking of decisions regarding the legality of content*

Amendment

G. whereas upholding the law in the digital world does involve *effective* enforcement of *fundamental* rights, in particular, *freedom of expression and information, privacy, safety and security, non-discrimination, respect to property,*

or of law enforcement powers to private companies can undermine the right to a fair trial and risks not to provide an effective remedy;

including intellectual property rights and ensuring access to justice for all;

Or. en

Amendment 51
Angel Dzhambazki

Motion for a resolution
Recital G

Motion for a resolution

G. whereas upholding the law in the digital world *does* not only *involve* effective enforcement of rights, but also, *in particular, ensuring* access to justice *for all*; whereas *delegation of the taking of* decisions regarding the legality of content or of law enforcement powers to private companies can undermine *the right to a fair trial and risks not to provide an effective remedy*;

Amendment

G. whereas upholding the law in the digital world not only *involves* effective enforcement of rights, but also access to justice *and due process*; whereas *delegating* decisions regarding the legality of content or of law enforcement powers to private companies can undermine *transparency and due process, leading to a fragmented approach*;

Or. en

Amendment 52
Gunnar Beck

Motion for a resolution
Recital G

Motion for a resolution

G. whereas upholding the law in the digital world does not only involve effective enforcement of rights, but also, in particular, ensuring access to justice for all; whereas delegation of the taking of decisions regarding the legality of content or of law enforcement powers to private companies *can undermine the right to a fair trial and risks not to provide an*

Amendment

G. whereas upholding the law in the digital world does not only involve effective enforcement of rights, but also, in particular, ensuring access to justice for all; whereas delegation of the taking of decisions regarding the legality of content or of law enforcement powers to private companies *could, in some cases, clash*

effective remedy;

with the Rule of Law;

Or. en

Amendment 53

Emmanuel Maurel, Manon Aubry

Motion for a resolution

Recital G

Motion for a resolution

G. whereas upholding the law in the digital world does not only involve effective enforcement of rights, but also, in particular, ensuring access to justice for all; whereas delegation of the taking of decisions regarding the legality of content or of law enforcement powers to private companies *can undermine* the right to a fair trial and *risks not to* provide an effective remedy;

Amendment

G. whereas upholding the law in the digital world does not only involve effective enforcement of rights, but also, in particular, ensuring access to justice for all; whereas delegation of the taking of decisions regarding the legality of content or of law enforcement powers to private companies *undermines* the right to a fair trial and *does* not provide an effective remedy;

Or. fr

Amendment 54

József Szájer, Jiří Pospíšil, Esteban González Pons, Javier Zarzalejos

Motion for a resolution

Recital H

Motion for a resolution

H. whereas content hosting platforms often employ automated content removal mechanisms that raise legitimate rule of law concerns, in particular when they are encouraged to employ such mechanisms pro-actively and voluntarily, resulting in content removal taking place without a clear legal basis, which is in contravention of Article 10 of the European Convention on Human Rights, stating that formalities, conditions, restrictions or penalties governing the

Amendment

deleted

exercise of freedom of expression and information must be prescribed by law;

Or. en

Amendment 55

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution

Recital H

Motion for a resolution

H. whereas *content hosting platforms often employ* automated content removal mechanisms *that* raise *legitimate rule of law* concerns, in particular *when they are encouraged to employ such mechanisms pro-actively and voluntarily, resulting in content removal taking place without a clear legal basis, which is in contravention of Article 10 of the European Convention on Human Rights, stating that formalities, conditions, restrictions or penalties governing the exercise* of freedom of expression and information *must be prescribed by law;*

Amendment

H. whereas automated content removal mechanisms, *employed by content hosting platforms*, raise *legal* concerns, in particular *as regards possible* restrictions of freedom of expression and information, *protected under Article 11 of the Charter of Fundamental Rights of the European Union;*

Or. en

Amendment 56

Stéphane Séjourné

Motion for a resolution

Recital H

Motion for a resolution

H. whereas content hosting platforms often employ automated content removal mechanisms *that* raise *legitimate rule of law* concerns, in particular when *they are encouraged to employ such mechanisms pro-actively and voluntarily, resulting in content* removal *taking place without a*

Amendment

H. whereas content hosting platforms often employ automated content removal mechanisms; *whereas such mechanisms, which are highly sophisticated and supported by artificial intelligence*, raise legitimate concerns, in particular when *content hosting platforms* employ *them*

clear legal basis, which is in contravention of Article 10 of the European Convention on Human Rights, stating that formalities, conditions, restrictions or penalties governing the exercise of freedom of expression and information must be prescribed by law;

pro-actively and voluntarily, resulting in *the removal of illegal, illicit or counterfeit content;*

Or. fr

Amendment 57
Ibán García Del Blanco

Motion for a resolution
Recital H

Motion for a resolution

H. whereas content hosting platforms often employ automated content removal mechanisms that raise legitimate rule of law concerns, in particular when they are encouraged to employ such mechanisms pro-actively and voluntarily, resulting in content removal *taking* place without a clear legal basis, *which is in contravention of Article 10 of the European Convention on Human Rights, stating that formalities, conditions, restrictions or penalties governing the exercise of freedom of expression and information must be prescribed by law;*

Amendment

H. whereas content hosting platforms often employ automated content removal mechanisms that *in some cases can* raise legitimate rule of law concerns, in particular when they are *not* encouraged *by Union laws* to employ such mechanisms pro-actively and voluntarily, resulting in content removal *would take* place without a clear legal basis;

Or. en

Amendment 58
Jiří Pospíšil

Motion for a resolution
Recital H

Motion for a resolution

H. whereas content hosting platforms often *employ automated content removal*

Amendment

H. Whereas, *while removing unlawful content*, content hosting platforms often

mechanisms that raise legitimate rule of law concerns, in particular when they are encouraged to employ such mechanisms pro-actively and voluntarily, resulting in content removal taking place without a clear legal basis, which is in contravention of Article 10 of the European Convention on Human Rights, stating that formalities, conditions, restrictions or penalties governing the exercise of freedom of expression and information must be prescribed by law;

cannot operate without mechanisms for the automatic detection and removal of content in other cases where content removal has no clear legal basis and is done proactively and voluntarily; whereas the removal of content by content hosting platforms may raise legitimate concerns in terms of respect for the rule of law and compliance with Article 10 of the European Convention on Human Rights, stating that formalities, conditions, restrictions or penalties governing the exercise of freedom of expression and information must be prescribed by law;

Or. cs

Amendment 59
Stéphane Séjourné

Motion for a resolution
Recital H a (new)

Motion for a resolution

Amendment

Ha. whereas freedom of expression is a fundamental right enshrined in the Charter of Fundamental Rights of the European Union, which, however, cannot lead to the expression of hate, racist, anti-Semitic, xenophobic or homophobic content, and whereas appropriate ways and means are needed as a matter of urgency to tackle the extremely serious violations currently taking place;

Or. fr

Amendment 60
József Szájer, Jiří Pospíšil, Javier Zarzalejos

Motion for a resolution
Recital H a (new)

Motion for a resolution

Amendment

Ha. *whereas automated content removal mechanisms of digital service providers should be proportionate, covering only those justified cases, where the benefits of removing content outweigh the potential disadvantages of keeping content online; whereas these procedures should be also transparent and their terms and conditions should be made known prior to the users would use the service;*

Or. en

Amendment 61

Jiří Pospíšil

Motion for a resolution

Recital H a (new)

Motion for a resolution

Amendment

Ha. *whereas Article 11 of the Charter also protects the freedom and pluralism of the media, which are increasingly dependent on online platforms to reach their audiences; whereas online platforms should not interfere with media content;*

Or. en

Amendment 62

Daniel Buda

Motion for a resolution

Recital I

Motion for a resolution

Amendment

I. *whereas the civil law regimes governing content hosting platforms' practices in content moderation are based on certain sector-specific provisions at*

I. *whereas the civil law regimes governing content hosting platforms' practices in content moderation are based on certain sector-specific provisions at*

Union level as well as on laws passed by Member States at national level, and there are notable differences in the obligations imposed on content hosting platforms and in the enforcement mechanisms of the various civil law regimes; whereas this situation requires a response at Union level;

Union level as well as on laws passed by Member States at national level, and there are notable differences in the obligations imposed on content hosting platforms and in the enforcement mechanisms of the various civil law regimes; whereas this situation ***has led to a fragmented set of rules, which*** requires a response at Union level ***with a view to harmonising legislation***;

Or. ro

Amendment 63
Angel Dzhambazki

Motion for a resolution
Recital I

Motion for a resolution

I. whereas the civil law regimes governing content hosting platforms' practices in content moderation are based on certain sector-specific provisions at Union level as well as on laws passed by Member States at national level, and there are notable differences in the obligations imposed on content hosting platforms and in the enforcement mechanisms of the various civil law regimes; whereas this situation requires ***a*** response at Union level;

Amendment

I. whereas the civil law regimes governing content hosting platforms' practices in content moderation are based on certain sector-specific provisions at Union level as well as on laws passed by Member States at national level, and there are notable differences in the obligations imposed on content hosting platforms and in the enforcement mechanisms of the various civil law regimes; whereas this situation requires ***an appropriate*** response at Union level ***and internationally***;

Or. en

Amendment 64
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Recital I

Motion for a resolution

I. whereas the civil law regimes governing content hosting platforms' practices in content moderation are based on certain sector-specific provisions at Union level as well as on laws passed by Member States at national level, and there are notable differences in the obligations imposed on content hosting platforms and in the enforcement mechanisms of the various civil law regimes; ***whereas this situation requires a response at Union level;***

Amendment

I. whereas the civil law regimes governing content hosting platforms' practices in content moderation are based on certain sector-specific provisions at Union level as well as on laws passed by Member States at national level, and there are notable differences in the obligations imposed on content hosting platforms and in the enforcement mechanisms of the various civil law regimes;

Or. en

Amendment 65

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution

Recital I

Motion for a resolution

I. whereas the civil law regimes governing content hosting platforms' practices in content moderation are based on certain sector-specific provisions at Union ***level as well as on laws passed by Member States at national level, and there are*** notable differences in the obligations imposed ***on content hosting platforms and in the*** enforcement mechanisms ***of the various civil law regimes***; whereas this situation requires a response at Union level;

Amendment

I. whereas the civil law regimes governing content hosting platforms' practices in content moderation are based on certain sector-specific provisions at Union ***and*** national level, ***with*** notable differences in the obligations imposed ***and*** enforcement mechanisms ***deployed***; whereas this situation ***creates a fragmented Digital Single Market and, therefore,*** requires a response at Union level;

Or. en

Amendment 66

Daniel Buda

Motion for a resolution
Recital J

Motion for a resolution

J. whereas the current business model of certain content hosting platforms is to promote content that is likely to attract the attention of users and therefore generate more profiling data in order to offer more effective targeted advertisements and thereby increase profit; whereas this profiling coupled with targeted advertisement often leads to the amplification of content based on addressing emotions, often giving rise to sensation in news feed and recommendation systems;

Amendment

J. whereas the current business model of certain content hosting platforms is to promote content that is likely to attract the attention of users and therefore generate more profiling data in order to offer more effective targeted advertisements and thereby increase profit; whereas this profiling coupled with targeted advertisement often leads to the amplification of content based on addressing emotions, often giving rise to sensation in news feed and recommendation systems, ***resulting in the possible manipulation of users***;

Or. ro

Amendment 67
Ibán García Del Blanco

Motion for a resolution
Recital J

Motion for a resolution

J. whereas the current business model of certain content hosting platforms is to promote content that is likely to attract the attention of users and therefore generate more profiling data in order to offer more effective targeted advertisements and thereby increase profit; whereas this profiling coupled with targeted advertisement ***often leads*** to the amplification of content ***based on addressing*** emotions, often giving rise to ***sensation*** in news feed and recommendation systems;

Amendment

J. whereas the current business model of certain content hosting platforms is to promote content that is likely to attract the attention of users and therefore generate more profiling data in order to offer more effective targeted advertisements and thereby increase profit; whereas this profiling coupled with targeted advertisement ***can lead*** to the amplification of content ***geared to*** emotions, often giving rise to ***the fuelling of sensationalism*** in news feed and recommendation systems;

Or. es

Amendment 68

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution

Recital L

Motion for a resolution

L. whereas the choice of algorithmic logic behind *such* recommendation systems, content curation or advertisement placements remains at the discretion of the content hosting platforms with little possibility for public oversight, which raises accountability concerns;

Amendment

L. whereas the choice of algorithmic logic behind recommendation systems, *comparison services*, content curation or advertisement placements remains *not solely but also* at the discretion of the content hosting platforms with little possibility for public oversight, which raises accountability *and transparency* concerns;

Or. en

Amendment 69

Gunnar Beck

Motion for a resolution

Recital L

Motion for a resolution

L. whereas the choice of algorithmic logic behind such recommendation systems, content curation or advertisement placements remains at the discretion of the content hosting platforms *with little possibility for public oversight, which raises accountability concerns*;

Amendment

L. whereas the choice of algorithmic logic behind such recommendation systems, content curation or advertisement placements remains at the discretion of the content hosting platforms;

Or. en

Amendment 70

Angel Dzhambazki

Motion for a resolution

Recital L

Motion for a resolution

L. whereas the choice of algorithmic logic behind such recommendation systems, content curation or advertisement placements remains at the discretion of the content hosting platforms with little possibility for public oversight, which **raises** accountability **concerns**;

Amendment

L. whereas the choice of algorithmic logic behind such recommendation systems, content curation or advertisement placements remains at the discretion of the content hosting platforms with little possibility for public oversight, which **has potential transparency and** accountability **implications**;

Or. en

Amendment 71
Tiemo Wölken

Motion for a resolution
Recital M

Motion for a resolution

M. whereas **dominant** content hosting platforms make it possible for their users to use their profiles to log into third party websites, thereby allowing them to track their activities even outside their own platform environment, which constitutes a competitive advantage in access to data for content curation algorithms;

Amendment

M. whereas content hosting platforms **with significant market power** make it possible for their users to use their profiles to log into third party websites, thereby allowing them to track their activities even outside their own platform environment, which constitutes a competitive advantage in access to data for content curation algorithms;

Or. en

Amendment 72
Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution
Recital O

Motion for a resolution

O. whereas the terms and conditions of platforms, which are non-negotiable, often indicate both applicable law and competent

Amendment

O. whereas the terms and conditions of platforms, which are non-negotiable, often indicate both applicable law and competent

courts outside the Union, which represent an obstacle as regards access to justice; whereas *the question of which private international law rules relate to rights to data is ambiguous in Union law as well as in international law*;

courts outside the Union, which represent an obstacle as regards access to justice; whereas *Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters lays down rules on jurisdiction; whereas Regulation (EU) 2016/679 on the protection of natural persons with regards to the processing of personal data and on the free movement of such data, clarifies the data subject's right to private enforcement action directly against the controller or processor, regardless of whether the processing takes place in the Union or not and regardless whether the controller is established in the Union or not; whereas Article 79 of Regulation (EU) 2016/679 stipulates that proceedings shall be brought before the courts of the Member State in where the controller or processor has an establishment or, alternatively where the data subject has his or her habitual residence*;

Or. en

Amendment 73 Gunnar Beck

Motion for a resolution Recital O

Motion for a resolution

O. whereas the terms and conditions of platforms, which are non-negotiable, often indicate both applicable law and competent courts outside the Union, which *represent an obstacle as regards* access to justice; whereas the question of which private international law rules relate to rights to data is ambiguous in Union law as well as in international law;

Amendment

O. whereas the terms and conditions of platforms, which are non-negotiable, often indicate both applicable law and competent courts outside the Union, which *raises concern* access to justice; whereas the question of which private international law rules relate to rights to data is ambiguous in Union law as well as in international law; *whereas the established adagium of caveat emptor also applies to these situations*;

Amendment 74
Stéphane Séjourné

Motion for a resolution
Recital P

Motion for a resolution

P. whereas access to data *is* an important factor in the growth of the digital economy; whereas the interoperability of data can, by removing lock-in effects, play an important part in ensuring that fair market conditions exist;

Amendment

P. whereas access to data ***and its retention are*** an important factor in the growth of the digital economy; whereas the interoperability of data can, by removing lock-in effects, play an important part in ensuring that fair market conditions exist, ***on condition that access to data and its retention can be regulated by means of appropriate legal standards;***

Amendment 75
Patrick Breyer

Motion for a resolution
Recital P

Motion for a resolution

P. whereas access to data is an important factor in the growth of the digital economy; whereas the interoperability of data can, by removing lock-in effects, play an important part in ensuring that fair market conditions exist;

Amendment

P. whereas access to ***non-personal*** data is an important factor in the growth of the digital economy; whereas the interoperability of ***non-personal*** data can, by removing lock-in effects, play an important part in ensuring that fair market conditions exist;

Amendment 76
Daniel Buda

Motion for a resolution
Recital P a (new)

Motion for a resolution

Amendment

Pa. whereas, in updating the essential aspects of civil and commercial law relating to online business transactions, it is necessary to strike a balance between, on the one hand, the protection of users' fundamental and civil rights and, on the other, European business incentives in this area, especially for SMEs and start-ups;

Or. ro

Amendment 77
Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution
Recital P a (new)

Motion for a resolution

Amendment

Pa. whereas it is important to assess the possibility of tasking an existing or new European Agency, or European body, with the responsibility of ensuring a harmonised approach across the Union and address the new opportunities and challenges, in particular those of a cross-border nature, arising from ongoing technological developments.

Or. en

Amendment 78
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Recital P a (new)

Motion for a resolution

Amendment

Pa. whereas the Commission has expressed the concern in its opinion on the French "Avia Law" that content moderation could place a disproportionate burden on companies and users, and lead to an excessive deletion of content, thus undermining freedom of expression.

Or. en

Amendment 79

Gunnar Beck, Gilles Lebreton

Motion for a resolution

Paragraph 1

Motion for a resolution

1. ***Requests that*** the Commission submit ***without undue delay a set of legislative proposals comprising a Digital Services Act with a wide material, personal and territorial scope, including the recommendations as set out in the Annex to this resolution;*** considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union ***should*** be chosen as the legal basis;

Amendment

1. ***Suggests*** the Commission ***to*** submit proposals ***in line with the announced*** Digital Services Act; considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union ***could*** be chosen as the legal basis;

Or. en

Amendment 80

Sabrina Pignedoli

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Requests that the Commission

Amendment

1. Requests that the Commission

submit without undue delay a set of legislative proposals comprising a Digital Services Act with a wide material, personal and territorial scope, **including** the recommendations as set out in the Annex to this resolution; considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union should be chosen as the legal basis;

submit without undue delay a set of legislative proposals comprising a Digital Services Act with a wide material, personal and territorial scope, **and which clearly defines key concepts, wherever possible, and includes** the recommendations as set out in the Annex to this resolution; considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union should be chosen as the legal basis;

Or. it

Amendment 81

József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Requests that the Commission submit without undue delay a set of legislative proposals comprising a Digital Services Act with a wide material, personal and territorial scope, **including the recommendations as set out in the Annex to this resolution**; considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union should be chosen as the legal basis;

Amendment

1. Requests that the Commission submit without undue delay a set of legislative proposals comprising a Digital Services Act with a wide material, personal and territorial scope; considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union should be chosen as the legal basis;

Or. en

Amendment 82

Angel Dzhambazki

Motion for a resolution

Paragraph 1

Motion for a resolution

1. Requests that the Commission submit without undue delay a set of legislative proposals comprising a Digital Services Act with a wide material, personal and territorial scope, including the recommendations as set out in the Annex to this resolution; considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union should be chosen as the legal basis;

Amendment

1. Requests that the Commission submit without undue delay a set of ***evidence-based and proportionate*** legislative proposals comprising a Digital Services Act with a wide material, personal and territorial scope, including the recommendations as set out in the Annex to this resolution; considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union should be chosen as the legal basis;

Or. en

Amendment 83
Patrick Breyer

Motion for a resolution
Paragraph 1

Motion for a resolution

1. Requests that the Commission submit without undue delay a set of legislative proposals comprising a Digital Services Act with ***a wide*** material, personal and territorial scope, including the recommendations as set out in the Annex to this resolution; considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union should be chosen as the legal basis;

Amendment

1. Requests that the Commission submit without undue delay a set of legislative proposals comprising a Digital Services Act with ***an adequate*** material, personal and territorial scope, including the recommendations as set out in the Annex to this resolution; considers that, without prejudice to detailed aspects of the future legislative proposals, Article 114 of the Treaty on the Functioning of the European Union should be chosen as the legal basis;

Or. en

Amendment 84
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Proposes that the Digital Services Act include a regulation that establishes contractual rights as regards content management, lays down transparent, binding and uniform standards and procedures for content moderation, and guarantees *accessible* and *independent* recourse to judicial redress;

Amendment

2. Proposes that the Digital Services Act include a regulation that establishes contractual rights as regards content management, lays down transparent, binding and uniform standards and procedures for content moderation, and guarantees *rapid* and *simple* recourse to judicial redress; ***proposes that digital service providers provide access to high-quality alternative dispute resolution meeting the criteria set out in Directive 2013/11/EU (Directive on alternative dispute resolution for consumer disputes);***

Or. fr

Amendment 85
Daniel Buda

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Proposes that the Digital Services Act include a regulation that establishes contractual rights as regards content management, lays down transparent, binding and uniform standards and procedures for content moderation, and guarantees accessible and independent recourse to judicial redress;

Amendment

2. Proposes that the Digital Services Act include a regulation that establishes contractual rights as regards content management, lays down transparent, binding and uniform standards and procedures for content moderation, and guarantees accessible and independent recourse to judicial redress; ***proposes that, for the purposes of drawing up the legislative act, account be taken in particular of consultations with SMEs and start-ups in the field, so as to ensure the relevant provisions are easy to access and apply to these entities;***

Or. ro

Amendment 86

József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Proposes that the Digital Services Act include a regulation that ***establishes contractual rights as regards content management, lays down transparent, binding and uniform standards and procedures for content moderation, and guarantees accessible and independent recourse to judicial redress;***

Amendment

2. Proposes that the Digital Services Act include a regulation that ***provide digital service providers with a clear and up-to-date innovation friendly regulatory framework, protect users when accessing digital services, guarantees accessible and independent recourse to judicial redress and ensure the necessary cooperation among Member States;***

Or. en

Amendment 87

Stéphane Séjourné

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Proposes that the Digital Services Act ***include a regulation that establishes contractual rights as regards content management, lays down transparent, binding and uniform standards and procedures for content moderation, and guarantees accessible and independent recourse to judicial redress;***

Amendment

2. Proposes that the Digital Services Act ***be preceded by an impact assessment to evaluate, analyse and propose appropriate European rules on content management, setting out the responsibility of each of the partners and the development of fair and transparent procedures between platforms, internet users and users;***

Or. fr

Amendment 88

Angel Dzhambazki

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Proposes that the Digital Services Act **include a regulation that establishes contractual rights as regards content management**, lays down **transparent, binding and uniform** standards and procedures for content moderation, **and guarantees** accessible and independent recourse to **judicial** redress;

Amendment

2. Proposes that the Digital Services Act lays down **transparency and reporting requirements and minimum** standards and procedures for content moderation **which are proportionate to the scale, harm, type of content and platform, while ensuring the availability of** accessible and independent recourse to redress;

Or. en

Amendment 89
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 2

Motion for a resolution

2. **Proposes** that the Digital Services Act include a regulation that establishes contractual rights as regards content management, lays down **transparent, binding and uniform** standards **and procedures for content moderation**, and guarantees accessible and independent recourse to judicial redress;

Amendment

2. **Suggests** that the Digital Services Act **could** include a regulation that establishes contractual rights as regards content management, lays down **transparency requirements and interoperability** standards, and guarantees accessible and independent recourse to judicial redress;

Or. en

Amendment 90
Stéphane Séjourné

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

2a. Considers that, in the context of the development of online services and in a globalised digital world, the country of origin principle may be unsuitable for

Amendment

reasons recognised in the case law of the Court of Justice of the European Union, in particular as regards consumer protection and intellectual property. The objectives of these platforms are primarily driven by the search for countries where regulations are less restrictive in a number of areas, whether to do with taxation or in connection with illegal or illicit activities; whereas, as a result, it would certainly be useful, in sectors where it is not already established, to apply instead the principle of the country of destination, which would make it possible in future to remedy certain shortcomings in the principle of the law of the country of origin;

Or. fr

Amendment 91
Marion Walsmann

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Proposes that the Digital Services Act sets up clear rules for the responsibility of content hosting platforms for goods sold or advertised on them in order to close the legal gap in which the user failed to obtain the satisfaction to which he or she is entitled according to the law or the contract for the supply of goods for example because of the inability to identify the primary seller;

Or. en

Amendment 92
Axel Voss

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. *With regard to platform responsibility for content, new technological solutions regarding matters of responsibility, identity and anonymity should be found and deployed.*

Or. de

Amendment 93
József Szájer, Marion Walsmann, Jiří Pospíšil, Javier Zarzalejos

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. *Proposes that the Digital Services Act follow a sector and problem-specific approach and make a clear distinction between illegal and harmful content when elaborating the appropriate policy options;*

Or. en

Amendment 94
Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. *Requests the Commission that the regulation includes a universal definition of "dominant platforms" and lay down its characteristics.*

Or. en

Amendment 95
Stéphane Séjourné

Motion for a resolution
Paragraph 2 b (new)

Motion for a resolution

Amendment

2b. Notes that transparency requirements must be applied to certain platforms in order to ensure that their operation in a closed system does not affect consumer choice, influence their behaviour or constitute a barrier to the freedoms of opinion or expression; stresses that in the case of an online trading platform, the use of any identical product or service or a distinctive sign similar to a recognised trademark poses a risk of confusion on the part of the public and damage to the trademark itself; when the service provider becomes aware of such a risk, it must withdraw, or make it impossible to access, the information or the product as soon as possible;

Or. fr

Amendment 96
József Szájer, Marion Walsmann, Jiří Pospíšil

Motion for a resolution
Paragraph 2 b (new)

Motion for a resolution

Amendment

2b. Underlines that any new framework established in the Digital Services Act should be manageable for small businesses, SMEs and start-ups and should therefore include proportionate obligations and clear safeguards for all sectors;

Or. en

Amendment 97
József Szájer, Jiří Pospíšil

Motion for a resolution
Paragraph 2 c (new)

Motion for a resolution

Amendment

2c. Proposes that the Digital Services Act introduces enhanced transparency rules for social media platforms in order to disclose the funding and the power of interest groups behind those using the digital services in order to show who is legally responsible for the content;

Or. en

Amendment 98
József Szájer, Marion Walsmann, Jiří Pospíšil, Esteban González Pons, Javier Zarzalejos

Motion for a resolution
Paragraph 2 d (new)

Motion for a resolution

Amendment

2d. Proposes that the Digital Services Act set the obligation for digital service providers without a permanent establishment in the EU to designate a legal representative for the interest of users within the European Union and to make the contact information of this representative visible and accessible on its website;

Or. en

Amendment 99
József Szájer, Jiří Pospíšil, Javier Zarzalejos

Motion for a resolution
Paragraph 2 e (new)

Motion for a resolution

Amendment

2e. Underlines the importance that online platforms hosting or moderating content online should bear more responsibility for the content they host and should act in order to proactively prevent illegality;

Or. en

Amendment 100
Patrick Breyer

Motion for a resolution
Paragraph 3

Motion for a resolution

Amendment

3. Considers that any **final** decision on the legality of user-generated content must be made by an independent judiciary and not a private commercial entity;

3. **Stresses that the responsibility for enforcing the law shall rest with public authorities;** considers that any decision on the legality of user-generated content must be made by an independent judiciary and not a private commercial entity;

Or. en

Amendment 101
Daniel Buda

Motion for a resolution
Paragraph 3

Motion for a resolution

Amendment

3. Considers that any final decision on the legality of user-generated content must be made by an independent judiciary and not a private commercial entity;

3. Considers that, **in order to guarantee independence and impartiality,** any final decision on the legality of user-generated content must be made by an independent judiciary and not a private commercial entity;

Amendment 102
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Considers that any final decision on the legality of user-generated content must be made by an independent judiciary and not a private commercial entity;

Amendment

3. Considers that any final decision on the legality of user-generated ***opinion*** content, ***including on social media***, must be made by an independent judiciary and not a private commercial entity;

Or. fr

Amendment 103
Gunnar Beck

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Considers that ***any final decision*** on the legality of user-generated content ***must be made*** by an independent judiciary and not ***a*** private commercial ***entity***;

Amendment

3. Considers that ***decisions*** on the legality of user-generated content ***should remain possible for review*** by an independent judiciary and not ***exclusively to*** private commercial ***entities***;

Or. en

Amendment 104
Angel Dzhambazki

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Considers that any final decision on

Amendment

3. Considers that any final decision on

the legality of user-generated content must be made by an independent judiciary and not a private commercial entity;

the legality of user-generated content must be made by an independent judiciary *or redress system* and not a private commercial entity;

Or. en

Amendment 105

József Szájer, Jiří Pospíšil, Javier Zarzalejos

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Considers that any final decision on the legality of user-generated content must be made by an independent judiciary *and not a private commercial entity*;

Amendment

3. Considers that *following the actions of digital service providers* any final decision on the legality of user-generated content must be made by an independent judiciary;

Or. en

Amendment 106

Ibán García Del Blanco

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Considers that *any* final decision on the legality of user-generated content must be made by an independent judiciary and not a private commercial entity;

Amendment

3. Considers that *the* final decision on the legality of user-generated content must be made by an independent judiciary and not a private commercial entity;

Or. en

Amendment 107

Emmanuel Maurel, Manon Aubry

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Considers that ‘online marketplace’ content hosting platforms should be considered active hosts. They must be legally responsible for their decisions on the legality of user-generated content;

Or. fr

Amendment 108

Emmanuel Maurel, Manon Aubry

**Motion for a resolution
Paragraph 3 b (new)**

Motion for a resolution

Amendment

3b. Considers that the notification and action system under the electronic commerce directive – which obliges commercial platforms to remove identified illegal content, after notification, including by the right-holders and an evaluation – must be strengthened by having a notification and take down system, so that illegal content already removed can no longer reappear on the platform;

Or. fr

Amendment 109

Sabrina Pignedoli

**Motion for a resolution
Paragraph 4**

Motion for a resolution

Amendment

4. Insists that the regulation must proscribe content moderation practices that are discriminatory;

4. Insists that the regulation must proscribe content moderation practices that are discriminatory, **including towards the**

most vulnerable, and must always respect the fundamental rights and freedoms of citizens, and in particular freedom of expression;

Or. it

Amendment 110

József Szájer, Jiří Pospíšil, Esteban González Pons, Javier Zarzalejos

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Insists that the regulation must proscribe content moderation practices that are *discriminatory*;

Amendment

4. Insists that the regulation must proscribe content moderation practices that are *disproportionate or unduly go beyond the purpose of protection under the law*;

Or. en

Amendment 111

Daniel Buda

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Insists that the regulation must proscribe content moderation practices that are discriminatory;

Amendment

4. Insists that the regulation must proscribe content moderation practices that are *inadmissible or discriminatory or entail exploitation and exclusion*;

Or. ro

Amendment 112

Karen Melchior, Liesje Schreinemacher

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Insists that the regulation must **proscribe** content moderation practices that are discriminatory;

Amendment

4. Insists that the regulation must **prohibit** content moderation practices that are discriminatory;

Or. en

Amendment 113
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 4

Motion for a resolution

4. ***Insists that the regulation must proscribe content moderation practices that are discriminatory;***

Amendment

4. ***Calls on the Commission to curb its enthusiasm on content moderation;***

Or. en

Amendment 114
Jiří Pospíšil

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

4a. Insists that the rules must also proscribe platforms' practices that interfere with media freedom and pluralism, in particular by prohibiting platforms from exercising a second layer of control over content that is provided under a media service provider's responsibility and is subject to specific standards and oversight;

Or. en

Amendment 115
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Recommends the establishment of a European Agency tasked with monitoring and enforcing compliance with contractual rights as regards content management, auditing any algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;

deleted

Or. en

Amendment 116
Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Recommends the establishment of a European Agency tasked with monitoring and enforcing compliance with contractual rights as regards content management, auditing any algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;

5. The application of this regulation should be closely monitored by an existing or new European Agency, or European body, tasked, in particular, to ensure compliance by content hosting platforms with the provisions of this Regulation. The relevant Agency or European body should review compliance with the standards laid down for content management on the basis of transparency reports and an audit of algorithms employed by content hosting platforms for the purpose of content management;

Or. en

Amendment 117
Sabrina Pignedoli

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recommends the establishment of a European Agency tasked with monitoring and enforcing compliance with contractual rights as regards content management, auditing any algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;

Amendment

5. Recommends the establishment of a European Agency tasked with ***developing common standards and creating new analysis and revision tools***, monitoring and enforcing compliance with contractual rights as regards content management, auditing any algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;

Or. it

Amendment 118
József Szájer, Jiří Pospíšil, Javier Zarzalejos

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recommends the establishment of a ***European Agency*** tasked with monitoring ***and enforcing compliance with contractual rights as regards content management, auditing any algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;***

Amendment

5. Recommends the establishment of a ***network of national authorities*** tasked with monitoring ***the practice of*** automated content ***filtering*** and curation, and ***reporting to the EU institutions;***

Or. en

Amendment 119
Daniel Buda

Motion for a resolution
Paragraph 5

Motion for a resolution

5. **Recommends the establishment of a European Agency tasked** with monitoring and enforcing compliance with contractual rights as regards content management, auditing any algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;

Amendment

5. **Calls on the Commission to take action with a view to** monitoring and enforcing compliance with contractual rights as regards content management, auditing any algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;

Or. ro

Amendment 120
Marion Walsmann

Motion for a resolution
Paragraph 5

Motion for a resolution

5. **Recommends the establishment of a European Agency tasked with monitoring and enforcing** compliance with contractual rights as regards content management, **auditing any** algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;

Amendment

5. **Asks from the European Commission to monitor and enforce** compliance with contractual rights as regards content management, **to audit** algorithms used for automated content moderation and curation and imposing penalties for non-compliance;

Or. en

Amendment 121
Angel Dzhambazki

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recommends the **establishment of a European Agency tasked with monitoring and enforcing compliance with contractual rights** as regards content

Amendment

5. Recommends the **sharing of best practices and expertise among Member States and enhanced coordination and cooperation with the** European

management, *auditing any algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;*

Commission as regards developments in content management procedures, rather than setting up a new European Agency;

Or. en

Amendment 122
Jiří Pospíšil

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Recommends *the establishment of a European Agency tasked with monitoring and enforcing compliance with contractual rights as regards content management, auditing any algorithms used for automated content moderation and curation, and imposing penalties for non-compliance;*

Amendment

5. Recommends *that procedures be established to enable intensive cooperation between the Member States' authorities, the European Commission, the private sector, academia and civil society on content moderation and continuous improvement;*

Or. cs

Amendment 123
Stéphane Séjourné

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

5a. Recalls that currently content moderation at European level is done on the basis of injunctions which have no legal force, and that the Commission only requires platforms to moderate the distribution of hate content or remove of terrorist content; recalls that the power to moderate should be removed from the platforms themselves, and that, as part of the impact assessment, consideration should be given to the best way of

Amendment

entrusting this moderation to a fully independent external body;

Or. fr

Amendment 124

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution

Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Calls for content hosting platforms to evaluate the risk that their content management policies of legal content pose to society e.g. public health, disinformation, and, on the basis of a presentation of reports to the relevant European Agency or European body, have a dialogue with the relevant European Agency or European body and the relevant national authorities biannually;

Or. en

Amendment 125

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher, Stéphane Séjourné

Motion for a resolution

Paragraph 6

Motion for a resolution

Amendment

6. Suggests that content hosting platforms regularly submit transparency reports to the European Agency, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish their decisions on removing user-generated content on a publicly accessible database;

6. Suggests that content hosting platforms regularly **publish and comprehensive** transparency reports, **including on their content policies**, to the **existing or new** European Agency, **or European body**, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms **make available, in an easily**

accessible manner, their content policies and publish their decisions on removing user-generated content on a publicly accessible database;

Or. en

Amendment 126
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Suggests that content hosting platforms regularly submit transparency reports to the European Agency, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish their decisions on removing user-generated content on a publicly accessible database;

Amendment

6. Suggests that content hosting platforms regularly submit transparency reports to the European Agency, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; ***calls for the publication of comprehensive transparency reports, based on a consistent methodology and assessed on the basis of relevant performance indicators;*** further suggests that content hosting platforms publish their ***reasoned*** decisions on removing user-generated content on a publicly accessible database;;

Or. fr

Amendment 127
Jiří Pospíšil

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Suggests that content hosting platforms regularly submit transparency reports to the European Agency, concerning the compliance of their terms and conditions with the provisions of the

Amendment

6. Suggests that content hosting platforms regularly submit transparency reports to the European Agency, concerning the compliance of their terms and conditions with the provisions of the

Digital Services Act; further suggests that content hosting platforms publish their decisions on removing user-generated content on a publicly accessible database;

Digital Services Act; further suggests that content hosting platforms ***make available in an easy and accessible manner, their content policies and*** publish their decisions on removing user-generated content on a publicly accessible database;

Or. en

Amendment 128
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Suggests that content hosting platforms regularly submit transparency reports to the ***European Agency***, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; ***further suggests that content hosting platforms publish their decisions on removing user-generated content on a publicly accessible database;***

Amendment

6. Suggests that content hosting platforms regularly submit transparency reports to the ***Member States where their activities are deployed***, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act;

Or. en

Amendment 129
József Szájer, Jiří Pospíšil, Javier Zarzalejos

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Suggests that ***content hosting platforms*** regularly submit transparency reports to the ***European Agency***, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; ***further suggests that content hosting platforms publish*** their decisions on removing user-generated

Amendment

6. Suggests that ***digital service providers*** regularly submit transparency reports to the ***network of national authorities and the European Commission***, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act, ***statistics and data related to the automated content filtering***

content on a publicly accessible database;

and their decisions on removing user-generated content on a publicly accessible database;

Or. en

Amendment 130

Ibán García Del Blanco

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Suggests that content hosting platforms regularly submit transparency reports to the European Agency, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish **their** decisions on removing user-generated content on a publicly accessible database;

Amendment

6. Suggests that content hosting platforms regularly submit transparency reports to the European Agency, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish **this report including the number of** decisions on removing user-generated content on a publicly accessible database;

Or. en

Amendment 131

Jiří Pospíšil

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Suggests that **content hosting** platforms regularly **submit transparency reports to the European Agency, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act**; further suggests that **content hosting platforms publish their decisions on removing user-generated content on a publicly accessible database**;

Amendment

6. Suggests that platforms regularly **provide aggregated data on content removal for the production of studies to help set appropriate content management rules**; further suggests that **the Commission has, based on available data, continuously evaluated the timeliness of content management rights, transparent, binding and uniform standards and**

Amendment 132
Marion Walsmann

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Suggests that content hosting platforms regularly submit transparency reports to the European *Agency*, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish their decisions on removing user-generated content on a publicly accessible database;

Amendment

6. Suggests that content hosting platforms regularly submit transparency reports to the European *Commission*, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish their decisions on removing user-generated content on a publicly accessible database;

Amendment 133
Daniel Buda

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Suggests that content hosting platforms regularly submit transparency reports to the European *Agency*, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish their decisions on removing user-generated content on a publicly accessible database;

Amendment

6. Suggests that content hosting platforms regularly submit transparency reports to the European *Commission*, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish their decisions on removing user-generated content on a publicly accessible database;

Amendment 134
Angel Dzhambazki

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Suggests that content hosting platforms regularly submit transparency reports *to the European Agency*, concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish their decisions *on removing* user-generated content on a publicly accessible database;

Amendment

6. Suggests that content hosting platforms regularly submit transparency reports concerning the compliance of their terms and conditions with the provisions of the Digital Services Act; further suggests that content hosting platforms publish their decisions *regarding removal of illegal* user-generated content on a publicly accessible database;

Or. en

Amendment 135
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 7

Motion for a resolution

7. *Recommends the establishment of independent dispute settlement bodies tasked with settling disputes regarding content moderation;*

deleted

Amendment

Or. en

Amendment 136
Patrick Breyer

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Recommends the establishment of independent dispute settlement bodies

Amendment

7. Recommends the establishment of independent dispute settlement bodies

tasked with settling disputes regarding content moderation;

tasked with settling disputes regarding content moderation; ***takes the view that to protect anonymous publications and the general interest, not only the user who generated moderated content but also an independent Ombudsperson and organisations safeguarding freedom of expression should be able to challenge content moderation decisions;***

Or. en

Amendment 137

Emmanuel Maurel, Manon Aubry

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Recommends the establishment of independent ***dispute settlement*** bodies tasked with settling disputes regarding content moderation;

Amendment

7. Recommends the ***appointment or*** establishment of independent ***national*** bodies tasked with settling disputes regarding content moderation ***not settled in advance through the internal procedures of the content hosting platforms. In addition, the various parties can have direct recourse to justice;***

Or. fr

Amendment 138

József Szájer, Jiří Pospíšil, Esteban González Pons, Javier Zarzalejos

Motion for a resolution

Paragraph 7

Motion for a resolution

7. ***Recommends*** the establishment of independent dispute settlement bodies tasked with settling disputes regarding content moderation;

Amendment

7. ***Considers*** the establishment of independent dispute settlement bodies ***in the Member States***, tasked with settling disputes regarding content moderation;

Or. en

Amendment 139
Jiří Pospíšil

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the firm position that *the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of fully automated ex-ante controls of content, and considers that any such mechanism voluntarily employed by platforms* must be subject to audits *by the European Agency to ensure that there is compliance with the Digital Services Act*;

Amendment

8. Takes the firm position that, *where a platform uses a mechanism for fully automated ex-ante controls of content, it must be subject to checks on the legality of that mechanism*;

Or. cs

Amendment 140
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the firm position that the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of fully automated ex-ante controls of content, *and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act*;

Amendment

8. Takes the firm position that the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of fully automated ex-ante controls of content;

Or. en

Amendment 141
Stéphane Séjourné

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the firm position that the Digital Services Act must **not** contain provisions forcing content hosting platforms to employ **any form of** fully automated ex-ante controls of content, **and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act;**

Amendment

8. Takes the firm position that the Digital Services Act must contain provisions forcing content hosting platforms to employ **effective, transparent and** fully automated ex-ante controls of content; **notes that the algorithms used today for the detection of harmful content and the actions carried out by human moderators are becoming increasingly effective and precise; notes, however, that it is clear that the quality of content moderation is largely dependent on the databases, and therefore on the human work that develops them;**

Or. fr

Amendment 142
Angel Dzhambazki

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the **firm** position that the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of fully automated ex-ante controls of content, **and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act;**

Amendment

8. Takes the position that **the minimum standards set in** the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of fully automated ex-ante controls of content;

Or. en

Amendment 143
Emmanuel Maurel

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the firm position that the Digital Services Act must **not** contain provisions forcing content hosting platforms to employ **any form of fully automated ex-ante controls of** content, and considers that **any such mechanism voluntarily** employed by platforms must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act;

Amendment

8. Takes the firm position that the Digital Services Act must contain provisions forcing **'online marketplace'** content hosting platforms to employ **reasonable and proportionate proactive measures to prevent illegal content being published on their platforms**, and considers that **the mechanisms** employed by platforms must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act **and be subject to effective redress mechanisms**;

Or. fr

Amendment 144
Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the firm position that the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of fully automated ex-ante controls of content, and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act;

Amendment

8. Takes the firm position that the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of fully automated ex-ante controls of content, and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the **relevant, existing or new, European Agency or European body** to ensure that there is compliance with the Digital Services Act;

Or. en

Amendment 145
Patrick Breyer

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the firm position that the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of **fully** automated ex-ante controls of content, and considers that **any such mechanism** voluntarily employed by platforms **must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act**;

Amendment

8. Takes the firm position that the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of automated ex-ante controls of content, and **shall refrain from imposing notice-and-stay-down mechanisms**, and considers that **mechanisms** voluntarily employed by platforms **shall not lead to any ex-ante control measures based on automated tools or upload-filtering of content**;

Or. en

Amendment 146
Ibán García Del Blanco

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the firm position that the Digital Services Act **must not contain** provisions forcing content hosting platforms to employ **any form of** fully automated ex-ante controls of content, and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act;

Amendment

8. Takes the firm position that the Digital Services Act **shall avoid** provisions forcing content hosting platforms to employ fully automated ex-ante controls of content, **unless otherwise specified in existing legal texts**, and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act;

Or. en

Amendment 147
Adrián Vázquez Lázara, Javier Nart

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the firm position that the Digital Services Act must **not contain provisions forcing** content hosting platforms **to employ** any form of fully automated ex-ante controls of content, **and considers that any such mechanism voluntarily employed by platforms must be** subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act;

Amendment

8. Takes the firm position that the Digital Services Act must **ensure that** content hosting platforms **employing** any form of fully automated ex-ante controls of content **are** subject to audits by the **existing or new** European Agency **or European Body** to ensure that there is compliance with the Digital Services Act;

Or. en

Amendment 148
Marion Walsmann

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the firm position that the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of fully automated ex-ante controls of content, and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the European **Agency** to ensure that there is compliance with the Digital Services Act;

Amendment

8. Takes the firm position that the Digital Services Act must not contain provisions forcing content hosting platforms to employ any form of fully automated ex-ante controls of content, and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the European **Commission** to ensure that there is compliance with the Digital Services Act;

Or. en

Amendment 149
József Szájer, Jiří Pospíšil, Javier Zarzalejos

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Takes the ***firm*** position that the Digital Services Act must not contain provisions forcing ***content hosting platforms*** to employ ***any form of fully automated ex-ante controls of content, and considers that any such mechanism voluntarily employed by platforms must be subject to audits by the European Agency to ensure that there is compliance with the Digital Services Act;***

Amendment

8. Takes the position that the Digital Services Act must not contain provisions forcing ***digital service providers*** to employ automated ***filtering mechanism that goes beyond the level of protection required by the law, however encourages digital service providers to employ such a mechanism in order to combat against illegal content online;***

Or. en

Amendment 150
Stéphane Séjourné

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution

8a. Stresses, therefore, that the platforms must be transparent in the processing of algorithms and of the data which train them, and have effective means of moderation, which depend on the models developed by certain international platforms whose economic model is based on maximum extraction of data for immediate reinjection into the advertising services market; it is therefore in the interest both of internet users and the user to require the platforms to be transparent as regards the choice of the tools they prioritise for the processing of algorithms and the accompanying human actions;

Or. fr

Amendment 151
Jiří Pospíšil

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Considers that the user-targeted amplification of content based on the views or positions presented in such content is one of the most detrimental practices in the digital society, especially in cases where the visibility of such content is increased on the basis of previous user interaction with other amplified content and with the purpose of optimising user profiles for targeted advertisements;

Amendment

9. Considers that the user-targeted amplification of content based on the views or positions presented in such content is one of the most detrimental practices in the digital society, especially in cases where the visibility of such content is increased on the basis of previous user interaction with other amplified content and with the purpose of optimising user profiles for targeted advertisements; ***Considers in this respect that new rules should, on top of bringing transparency and fairness, secure access to diverse and quality content in today's digital environment and calls on the Commission to propose safeguards ensuring quality media content is easy to access and easy to find on third party platforms.***

Or. en

Amendment 152
Patrick Breyer

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Considers that the user-targeted amplification of content based on ***the views or positions presented in such content*** is one of the most detrimental practices in the digital society, especially in cases where the visibility of such content is increased on the basis of previous user interaction with other amplified content and with the purpose of optimising user profiles for targeted advertisements;

Amendment

9. Considers that the user-targeted amplification of content based on ***personal information*** is one of the most detrimental practices in the digital society, especially in cases where the visibility of such content is increased on the basis of previous user interaction with other amplified content and with the purpose of optimising user profiles for targeted advertisements; ***is concerned that these practices fuel so-called surveillance capitalism and rely on***

Amendment 153

József Szájer, Jiří Pospíšil

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Considers that the user-targeted amplification of content based on the views or positions presented in such content is ***one of the most detrimental practices in the digital society, especially in*** cases where the visibility of such content is increased on the basis of previous user interaction with other amplified content and with the purpose of optimising user profiles for targeted advertisements;

Amendment

9. Considers that the user-targeted amplification of content based on the views or positions presented in such content is ***a practice on which further monitoring might be required therefore the Commission should pay attention to and analysis the impact of*** cases where the visibility of such content is increased on the basis of previous user interaction with other amplified content and with the purpose of optimising user profiles for targeted advertisements;

Amendment 154

Gunnar Beck

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Considers that the user-targeted amplification of content based on the views or positions presented in such content is ***one of the most detrimental practices*** in the digital society, especially in cases where the visibility of such content is increased on the basis of previous user interaction with other amplified content and with the purpose of optimising user

Amendment

9. Considers that the user-targeted amplification of content based on the views or positions presented in such content is ***an important challenge*** in the digital society, especially in cases where the visibility of such content is increased on the basis of previous user interaction with other amplified content and with the purpose of optimising user profiles for targeted

profiles for targeted advertisements;

advertisements;

Or. en

Amendment 155
Sabrina Pignedoli

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. Believes that the Commission must provide the requisite legal certainty as regards certain key definitions, such as the concepts of ‘systemic platform’ and ‘hosting platform’, so as to ensure a harmonised approach at EU level and expedite the removal of illegal content; considers furthermore that there is a need, in this connection, for a clear and precise definition of what is meant by ‘illegal content’;

Or. it

Amendment 156
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Is of the view that the use of targeted advertising must be regulated more strictly in favour of less intrusive forms of advertising that do not require extensive tracking of user interaction with content;

deleted

Or. en

Amendment 157
József Szájer, Jiří Pospíšil

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Is of the view that the use of targeted advertising must be regulated more strictly in favour of less intrusive forms of advertising that do not require extensive tracking of user interaction with content;

Amendment

deleted

Or. en

Amendment 158
Marion Walsmann

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Is of the view that the use of targeted advertising must be regulated more strictly in favour of less intrusive forms of advertising that do not require extensive tracking of user interaction with content;

Amendment

10. Is of the view that the use of targeted advertising must be regulated more strictly in favour of less intrusive forms of advertising that do not require extensive tracking of user interaction with content **and that behavioural advertising should depend on the users' consent;**

Or. en

Amendment 159
Patrick Breyer

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Is of the view that the use of targeted advertising must be regulated

Amendment

10. Is of the view that the use of targeted advertising must be regulated

more strictly in favour of less intrusive forms of advertising that do not require *extensive* tracking of user interaction with content;

more strictly in favour of less intrusive forms of advertising that do not require *identifiable* tracking of user interaction with content;

Or. en

Amendment 160
Paul Tang, Lara Wolters

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Is of the view that the use of targeted advertising must be regulated more strictly in favour of less intrusive forms of advertising that do not require *extensive* tracking of user interaction with content;

Amendment

10. Is of the view that the use of targeted advertising must be regulated more strictly in favour of less intrusive forms of advertising that do not require *any* tracking of user interaction with content;

Or. en

Amendment 161
József Szájer, Jiří Pospíšil

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

10a. *Notes however that targeted advertising is currently ruled by the General Data Protection Regulation which as to be properly enforced in the Union before any new legislation in this field would be considered;*

Amendment

10a. *Notes however that targeted advertising is currently ruled by the General Data Protection Regulation which as to be properly enforced in the Union before any new legislation in this field would be considered;*

Or. en

Amendment 162
Paul Tang, Lara Wolters

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Recommends, therefore, that the Digital Services Act set clear boundaries as regards the terms for accumulation of data for the purpose of targeted advertising, especially when data are tracked on third party websites;

Amendment

11. Recommends, therefore, that the Digital Services Act set clear boundaries as regards the terms for accumulation of data for the purpose of targeted advertising, especially when data are tracked on third party websites **and a phase-out prohibition on personalised advertisements, starting with minors**;

Or. en

Amendment 163
József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Recommends, therefore, that the Digital Services Act **set clear boundaries as regards the terms for accumulation of data for the purpose of** targeted advertising, especially when data are tracked on third party websites;

Amendment

11. Recommends, therefore, that the Digital Services Act **introduces rules in order to enhance transparency related to** targeted advertising, especially when data are tracked on third party websites;

Or. en

Amendment 164
Jiří Pospíšil

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Recommends, therefore, that the **Digital Services Act** set clear boundaries as regards the terms for accumulation of data

Amendment

11. Recommends, therefore, that the **European legal framework** set clear boundaries as regards the terms for

for the purpose of targeted advertising, especially when data are tracked on third party websites;

accumulation of data for the purpose of targeted advertising, especially when data are tracked on third party websites;

Or. cs

Amendment 165
Patrick Breyer

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Recommends, therefore, that the Digital Services Act ***set clear boundaries as regards the terms*** for accumulation of data for the purpose of targeted advertising, especially when data are tracked on third party websites;

Amendment

11. Recommends, therefore, that the Digital Services Act ***makes consent a precondition*** for accumulation of data for the purpose of targeted advertising, especially when data are tracked on third party websites;

Or. en

Amendment 166
Patrick Breyer

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Stresses that in line with the principle of data minimisation established by the General Data Protection Regulation, the Digital Services Act shall require intermediaries to enable the anonymous use of their services and payment for them wherever it is technically possible, as anonymity effectively prevents unauthorized disclosure, identity theft and other forms of abuse of personal data collected online; only where existing legislation requires businesses to communicate their identity, providers of major market places could be

obliged to verify their identity, while in other cases the right to use digital services anonymously shall be upheld;

Or. en

Amendment 167
Antonius Manders

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Recommends, therefore, that the Digital Services Act includes legal provisions preventing systemic platforms to access competitively sensitive third party vendor data in their capacity as a platform and then use that data in their capacity as a vendor to sell products or services in competition with those third parties;

Or. en

Amendment 168
Patrick Breyer

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11b. Notes that since the online activities of an individual allow for deep insights into their personality and make it possible to manipulate them, the general and indiscriminate collection of personal data concerning every use of a digital service interferes disproportionately with the right to privacy; confirms that users have a right not to be subject to pervasive tracking when using digital services; stresses that in the spirit of the

jurisprudence on communications metadata, public authorities shall be given access to a user's subscriber and metadata only to investigate suspects of serious crime with prior judicial authorisation;

Or. en

Amendment 169
Patrick Breyer

Motion for a resolution
Paragraph 11 c (new)

Motion for a resolution

Amendment

11c. Recommends that providers which support a single sign-on service with a dominant market share should be required to also support at least one open and federated identity system based on a non-proprietary framework;

Or. en

Amendment 170
József Szájer, Jiří Pospíšil

Motion for a resolution
Paragraph 12

Motion for a resolution

Amendment

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate data sharing with the aim of addressing imbalances in market power; suggests, to this end, to explore options to facilitate the interoperability and portability of data;

deleted

Or. en

Amendment 171
Daniel Buda

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate data sharing with the aim of addressing imbalances in market power; suggests, to this end, to explore options to facilitate the interoperability and portability of data;

Amendment

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate data sharing with the aim of addressing imbalances in market power; suggests, to this end, to explore options to facilitate the interoperability and portability of data; ***points out, however, that compulsory data access should not reduce incentives for innovation by the data collection platform and should, where it is necessary, be followed by adequate and appropriate safeguards;***

Or. ro

Amendment 172
Sabrina Pignedoli

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate data sharing with the aim of addressing imbalances in market power; suggests, to this end, to explore options to facilitate the interoperability and portability of data;

Amendment

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate data sharing with the aim of addressing imbalances in market power; suggests, to this end, to explore options to facilitate the interoperability and portability of data; ***calls for the introduction of rules and procedures which facilitate the sharing, with the relevant supervisory authorities, of the data used by systemic and hosting platforms, and which include content moderation tools and the means to remove illegal content;***

Or. it

Amendment 173
Patrick Breyer

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate **data** sharing with the aim of addressing imbalances in market power; suggests, to this end, **to explore options to facilitate the interoperability and portability of data**;

Amendment

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate **the sharing of non-personal data** with the aim of addressing imbalances in market power; suggests, to this end, **users of dominant social media services and messaging services be given a right to cross-platform interaction via open interfaces (interconnectivity); highlights that these users shall be able to interact with users of alternative services, and that the users of alternative services shall be allowed to interact with them**;

Or. en

Amendment 174
Jiří Pospíšil

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate data sharing with the aim of addressing imbalances in market power; suggests, to this end, to explore options to facilitate the interoperability and portability of data;

Amendment

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate data sharing **and increase transparency** with the aim of addressing imbalances in market power; suggests, to this end, to explore options to facilitate the interoperability and portability of data;

Or. cs

Amendment 175
Paul Tang, Lara Wolters

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate data sharing with the aim of addressing imbalances in market power; suggests, to this end, to explore options to facilitate the interoperability and portability of data;

Amendment

12. Calls on the Commission to assess the possibility of defining fair contractual conditions to facilitate data sharing with the aim of addressing imbalances in market power; suggests, to this end, to explore options to facilitate the interoperability, ***interconnectivity*** and portability of data;

Or. en

Amendment 176
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

12a. ***Calls on the Commission to lay down rules to ensure effective data interoperability in order to make content purchased on a platform accessible on any digital tool irrespective of the make;***

Amendment

12a. ***Calls on the Commission to lay down rules to ensure effective data interoperability in order to make content purchased on a platform accessible on any digital tool irrespective of the make;***

Or. fr

Amendment 177
Sabrina Pignedoli

Motion for a resolution
Paragraph 13

Motion for a resolution

13. ***Calls for*** content hosting platforms ***to*** give users the choice of whether to consent to the use of ***targeted*** advertising

Amendment

13. ***Requests that*** content hosting platforms give users the choice of whether to consent to the use of advertising ***and***

based on the user's prior interaction with content on the same content hosting platform or on third party websites;

targeted information based on the user's prior interaction with content on the same content hosting platform or on third party websites; ***believes that users ought always to be fully informed of the use made of their personal data and be able to leave hosting platforms at any time and delete their personal data; considers that the gathering and selling-on of data for purposes of political manipulation must be prohibited and punishable;***

Or. it

Amendment 178
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Calls for content hosting platforms to give users ***the*** choice of whether to consent to the use of targeted advertising based on the user's prior interaction with content on the same content hosting platform or on third party websites;

Amendment

13. Calls for content hosting platforms to give users ***a real*** choice of whether to consent to the use of targeted advertising based on the user's prior interaction with content on the same content hosting platform or on third party websites; ***that possibility must be drafted in a way which is understandable and its refusal must not lead to access to the content being refused. Considers that content aimed at children should be subject to stricter rules;***

Or. fr

Amendment 179
Jiří Pospíšil

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Calls for content hosting platforms to give users the choice of whether to consent to the use of targeted advertising based on the user's prior interaction with content on the same content hosting platform or on third party websites;

Amendment

13. Calls for content hosting platforms to give users the choice of whether to consent to the use of targeted advertising based on the user's prior interaction with content on the same content hosting platform or on third party websites; ***further calls on the platforms to create an advertising archive that is publicly accessible; further recommends that the platforms cooperate with fact checkers in order to indicate the misinformation present on a platform and possible further steps;***

Or. cs

Amendment 180

Patrick Breyer

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Calls for content hosting platforms to give users ***the*** choice of whether to consent to the use of targeted advertising based on the user's prior interaction with content on the same content hosting platform or on third party websites;

Amendment

13. Calls for content hosting platforms to give users ***free*** choice of whether ***or not*** to consent to the use of targeted advertising based on the user's prior interaction with content on the same content hosting platform or on third party websites; ***reconfirms that the ePrivacy Directive makes targeted advertising subject to an opt-in decision and that it is otherwise prohibited;***

Or. en

Amendment 181

Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Calls for content hosting platforms to ***give users the choice of whether to consent to the use of*** targeted ***advertising*** based on the user's prior interaction with content on the same content hosting platform or on third party websites;

Amendment

13. Calls for content hosting platforms to ***use*** targeted ***advertisement*** based on the user's prior interaction with content on the same content hosting platform or on third party websites, ***only after having obtained prior consent by the user, in accordance with Regulation (EU) 2016/679;***

Or. en

Amendment 182
Stéphane Séjourné

Motion for a resolution
Paragraph 14

Motion for a resolution

14. ***Further calls for users to be guaranteed an appropriate degree of influence over the criteria according to which content is curated and made visible for them; affirms that this should also include the option to opt out from any content curation;***

Amendment

deleted

Or. fr

Amendment 183
Patrick Breyer

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Further calls for users to be guaranteed an appropriate degree of influence over the criteria according to which content is curated and made visible for them; affirms that this should also include the option to opt out from any

Amendment

14. Further calls for users to be guaranteed an appropriate degree of influence over the criteria according to which content is curated and made visible for them; affirms that this should also include the option to opt out from any

content curation;

content curation; ***suggests that dominant platforms shall provide users with an interface to have content curated by software or services of their choice;***

Or. en

Amendment 184

Karen Melchior, Liesje Schreinemacher, Adrián Vázquez Lázara

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Further calls for users to be guaranteed an appropriate degree of influence over the criteria according to which content is curated and made visible for them; ***affirms that this should also include the option to opt out from any content curation;***

Amendment

14. Further calls for users to be guaranteed an appropriate degree of influence over the criteria according to which content is curated and made visible for them;

Or. en

Amendment 185

Caterina Chinnici

Motion for a resolution

Paragraph 14

Motion for a resolution

14. Further calls for users to be guaranteed an appropriate degree of influence over the criteria according to which content is curated and made visible for them; affirms that this should also include the option to opt out from any content curation;

Amendment

14. Further calls for users to be guaranteed an appropriate degree of influence over the criteria according to which content is curated and made visible for them, ***in line with the principle of transparency;*** affirms that this should also include the option to opt out from any content curation;

Or. en

Amendment 186
Stéphane Séjourné

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution

Amendment

14a. Encourages diversity of opinions and beliefs on digital platforms, but considers that freedom of expression does not justify the publication of all content and that measures must be taken to ensure a balance between freedom of expression and the rights of other users; considers that the new legislation should encourage the reporting of abuse by other users;

Or. fr

Amendment 187
Caterina Chinnici

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution

Amendment

14a. Underlines the importance for the Digital Services Act to prove legally sound and effective from the point of view of the protection of children in the online environment, whilst ensuring full coordination and avoiding duplication with the General Data Protection Regulation and with Audiovisual Media Services Directive.

Or. en

Amendment 188
Karen Melchior, Liesje Schreinemacher

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Suggests that content hosting platforms publish all *sponsored* advertisements *made* visible to their users;

Amendment

15. Suggests that content hosting platforms publish all *sponsorships and* advertisements *clearly* visible to their users, *indicating who has paid for them, and, if applicable, on behalf of whom they are being placed at all times*;

Or. en

Amendment 189
Marion Walsmann

Motion for a resolution
Paragraph 15

Motion for a resolution

15. *Suggests that* content hosting platforms *publish all* sponsored advertisements *made* visible to their users;

Amendment

15. *Asks the* content hosting platforms *to make each* sponsored advertisements *clearly* visible to their users;

Or. en

Amendment 190
Adrián Vázquez Lázara, Javier Nart

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Calls on the European Commission to require hosting platforms to verify the identity of those advertisers with whom they have a commercial relationship so that the information they provide with is accurate, ensuring accountability of advertisers in case of promoting illegal content;

Amendment 191
Raffaele Stancanelli

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Calls on the Commission to request that hosting platforms verify the identity and veracity of the information entered by advertisers, and ensure that this is updated constantly and accurately;

Or. it

Amendment 192
József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Suggests to create a common understanding on what constitutes false or misleading advertisement;

Or. en

Amendment 193
Raffaele Stancanelli

Motion for a resolution
Paragraph 15 b (new)

Motion for a resolution

Amendment

15b. Calls on the Commission to request that hosting platforms close the accounts or terminate all commercial

contracts concluded with advertisers in cases where the promotion of illegal content has been detected, and that they take all the requisite steps to prevent that content reappearing on their platforms;

Or. it

Amendment 194
Gunnar Beck

Motion for a resolution
Paragraph 16

Motion for a resolution

Amendment

16. Regrets the existing information asymmetry between content hosting platforms and public authorities and calls for a streamlined exchange of necessary information;

deleted

Or. en

Amendment 195
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 16

Motion for a resolution

Amendment

16. Regrets the existing information asymmetry between content hosting platforms and public authorities and calls for a streamlined exchange of necessary information;

16. Regrets the existing information asymmetry between content hosting platforms and public authorities and calls for a **compulsory and** streamlined exchange of necessary information;

Or. fr

Amendment 196
József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution
Paragraph 16

Motion for a resolution

16. ***Regrets the existing information asymmetry between content hosting platforms and public authorities and*** calls for a streamlined exchange of necessary information;

Amendment

16. Calls for a streamlined exchange of necessary information ***between digital service providers and public authorities;***

Or. en

Amendment 197
Tiemo Wölken

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16a. Recommends that the Digital Services Act require platforms with significant market power to provide an application programming interface, through which third-party platforms and their users can interoperate with the main functionalities and users of the platform providing the application programming interface, including third-party services designed to enhance and customise the user experience of the platform providing the application programming interface, especially through services that customise privacy settings as well as content curation preferences;

Or. en

Amendment 198
Esteban González Pons

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution

Amendment

16a. *Calls on the Member States to ensure that online service providers comply with the requirements laid down in Article 5 of Directive 2000/31/EC on electronic commerce;*

Or. es

Amendment 199
Tiemo Wölken

Motion for a resolution
Paragraph 16 b (new)

Motion for a resolution

Amendment

16b. *Strongly underlines, on the other hand, that platforms with significant market power providing an application programming interface may not share, retain, monetise or use any of the data they receive from third-party services;*

Or. en

Amendment 200
Tiemo Wölken

Motion for a resolution
Paragraph 16 c (new)

Motion for a resolution

Amendment

16c. *Stresses that interoperability obligations described above may not limit, hinder or delay the ability of content hosting platforms to fix security issues, nor should the need to fix security issues lead to an undue suspension of the provisions on interoperability;*

Or. en

Amendment 201
Tiemo Wölken

Motion for a resolution
Paragraph 16 d (new)

Motion for a resolution

Amendment

16d. Recalls that the provisions on interoperability described above must respect all relevant data protection laws; recommends, in this respect, that platforms be required by the Digital Services Act to ensure the technical feasibility of the data portability provisions laid down in Art. 20(2) of the General Data Protection Regulation;

Or. en

Amendment 202
Tiemo Wölken

Motion for a resolution
Paragraph 16 e (new)

Motion for a resolution

Amendment

16e. Suggests that content hosting platforms with significant market power providing an application programming interface publicly document all interfaces they make available for the purpose of allowing for the interoperability of services;

Or. en

Amendment 203
Patrick Breyer

Motion for a resolution
Subheading 3

Motion for a resolution

Provisions regarding smart contracts and blockchains

Amendment

Provisions regarding ***terms and conditions***, smart contracts and blockchains

Or. en

Amendment 204
Patrick Breyer

Motion for a resolution
Paragraph 17 a (new)

Motion for a resolution

Amendment

17a. Underlines that the fairness and compliance with fundamental rights standards of terms and conditions imposed by intermediaries to the users of their services shall be subject to judicial review. Terms and conditions unduly restricting users' fundamental rights, such as the right to privacy and to freedom of expression, shall not be binding;

Or. en

Amendment 205
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 17

Motion for a resolution

Amendment

17. Calls on the Commission to assess the development and use of distributed ledger technologies, including blockchain and, in particular, of so-called smart contracts, namely the questions of legality and enforcement of smart contracts in cross border situations, and ***make*** proposals for the appropriate legal framework;

17. Calls on the Commission to assess the development and use of distributed ledger technologies, including blockchain and, in particular, of so-called smart contracts, namely the questions of legality and enforcement of smart contracts in cross border situations, and, ***if deemed necessary, suggest*** proposals for the

appropriate legal framework;

Or. en

Amendment 206
Antonius Manders

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Strongly recommends that smart contracts include mechanisms ***that can halt*** their execution, in particular to take account of concerns of weaker parties and to ensure that the rights of creditors in insolvency and restructuring are respected;

Amendment

18. Strongly recommends that smart contracts include mechanisms ***enabling consumers and businesses to halt and reverse*** their execution ***and related payments***, in particular to take account of concerns of weaker parties, ***in case of fraud*** and to ensure that the rights of creditors in insolvency and restructuring are respected;

Or. en

Amendment 207
József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution
Paragraph 18

Motion for a resolution

18. ***Strongly recommends that*** smart contracts ***include mechanisms that can halt their execution, in particular to take account of concerns of weaker parties and to ensure that the rights of creditors in insolvency and restructuring are respected;***

Amendment

18. ***Considers that necessary steps should be taken in order to ensure equality between the parties in case of smart contracts for which the Commission should examine the modalities;***

Or. en

Amendment 208
Daniel Buda

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18a. Stresses the need for blockchain technologies, and 'smart contracts' in particular, to be utilised in accordance with antitrust rules and requirements, especially those prohibiting cartel agreements or concerted practices;

Or. ro

Amendment 209
Emmanuel Maurel

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18a. Calls on the Commission to require 'online marketplace' content hosting platforms to prohibit non-identifiable content publishers. They must be able to identify the natural or legal persons who publish on their platform;

Or. fr

Amendment 210
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 18 b (new)

Motion for a resolution

Amendment

18b. Calls on the Commission to require 'online marketplace' content hosting platforms to close the accounts of

users who repeatedly publish illegal content and to take the necessary steps to ensure that such illegal content does not reappear on their platform;

Or. fr

Amendment 211
Emmanuel Maurel

Motion for a resolution
Paragraph 18 c (new)

Motion for a resolution

Amendment

18c. Calls on the Commission to prohibit access to the EU market for ‘online marketplace’ content hosting platforms which:

- are unable to identify their users;*
- do not take all necessary measures to take down illegal content;*
- do not close the accounts of users who repeatedly publish illegal content;*

Or. fr

Amendment 212
József Szájer, Jiří Pospíšil

Motion for a resolution
Subheading 5

Motion for a resolution

Amendment

Provisions regarding private international law *deleted*

Or. en

Amendment 213
József Szájer, Jiří Pospíšil, Esteban González Pons

Motion for a resolution
Paragraph 19

Motion for a resolution

Amendment

19. Considers that non-negotiable terms and conditions should neither prevent effective access to justice in Union courts nor disenfranchise Union citizens or businesses and that the status of access rights to data under private international law is uncertain and leads to disadvantages for Union citizens and businesses;

deleted

Or. en

Amendment 214
Karen Melchior, Adrián Vázquez Lázara, Liesje Schreinemacher

Motion for a resolution
Paragraph 19

Motion for a resolution

Amendment

19. Considers that non-negotiable terms and conditions **should neither** prevent effective access to justice in Union courts nor disenfranchise Union citizens or businesses **and that the status** of access rights to **data** under private international law is uncertain and leads to disadvantages for Union citizens and businesses;

19. Considers that non-negotiable terms and conditions **shall not** prevent effective access to justice in Union courts nor disenfranchise Union citizens or businesses; **calls on the Commission to assess if the protection** of access rights to **personal and non-personal data with regards to protection** under private international law is uncertain and leads to disadvantages for Union citizens and businesses;

Or. en

Amendment 215
Patrick Breyer

Motion for a resolution
Paragraph 19

Motion for a resolution

19. Considers that ***non-negotiable*** terms and conditions should neither prevent effective access to justice in Union courts nor disenfranchise Union citizens or businesses and that the status of access rights to data under private international law is uncertain and leads to disadvantages for Union citizens and businesses;

Amendment

19. Considers that ***standard contractual*** terms and conditions should neither prevent effective access to justice in Union courts nor disenfranchise Union citizens or businesses and that the status of access rights to data under private international law is uncertain and leads to disadvantages for Union citizens and businesses;

Or. en

Amendment 216

József Szájer, Jiří Pospíšil

**Motion for a resolution
Paragraph 20**

Motion for a resolution

20. *Emphasises the importance of ensuring that the use of digital services in the Union is fully governed by Union law under the jurisdiction of Union courts;*

Amendment

deleted

Or. en

Amendment 217

Gunnar Beck, Gilles Lebreton

**Motion for a resolution
Paragraph 20**

Motion for a resolution

20. *Emphasises the importance of ensuring that the use of digital services in the Union is fully governed by Union law under the jurisdiction of Union courts;*

Amendment

deleted

Or. en

Amendment 218
Gunnar Beck, Gilles Lebreton

Motion for a resolution
Paragraph 21

Motion for a resolution

Amendment

21. Concludes further that legislative solutions to these issues ought to be found at Union level if action at the international level does not seem feasible, or if there is a risk of such action taking too long to come to fruition;

deleted

Or. en

Amendment 219
József Szájer, Jiří Pospíšil

Motion for a resolution
Paragraph 21

Motion for a resolution

Amendment

21. Concludes further that legislative solutions to these issues ought to be found at Union level if action at the international level does not seem feasible, or if there is a risk of such action taking too long to come to fruition;

deleted

Or. en

Amendment 220
Patrick Breyer

Motion for a resolution
Paragraph 21 a (new)

Motion for a resolution

Amendment

21a. Stresses that service providers

shall not be required to remove or disable access to information that is legal in their country of origin;

Or. en

Amendment 221
Patrick Breyer

Motion for a resolution
Subheading 4 a (new)

Motion for a resolution

Amendment

Addressing illegal activities

Or. en

Amendment 222
Patrick Breyer

Motion for a resolution
Paragraph 21 b (new)

Motion for a resolution

Amendment

21b. Highlights that, in order to constructively supplement the rules of the e-Commerce Directive and to ensure legal certainty, applicable legislation shall exhaustively and explicitly spell out the duties of digital service providers rather than imposing a general duty of care; highlights that the legal regime for digital providers liability should not depend on uncertain notions such as the ‘active’ or ‘passive’ role of providers;

Or. en

Amendment 223
Patrick Breyer

Motion for a resolution
Paragraph 21 d (new)

Motion for a resolution

Amendment

21d. Stresses that the responsibility for enforcing the law, deciding on the legality of online activities and ordering hosting service providers to remove or disable access to content as soon as possible shall rest with independent judicial authorities; only a hosting service provider that has actual knowledge of illegal content and is aware beyond doubt of its illegal nature shall be subject to content removal obligations;

Or. en

Amendment 224
Patrick Breyer

Motion for a resolution
Paragraph 21 e (new)

Motion for a resolution

Amendment

21e. Underlines that illegal content should be removed where it is hosted, and that access providers shall not be required to block access to content;

Or. en

Amendment 225
Patrick Breyer

Motion for a resolution
Paragraph 21 f (new)

Motion for a resolution

Amendment

21f. Stresses that proportionate sanctions should be applied to violations of the law, which shall not encompass

excluding individuals from digital services;

Or. en

Amendment 226
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 22 a (new)

Motion for a resolution

Amendment

22a. Provisions on the safety of products sold online

Or. fr

Amendment 227
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 22 b (new)

Motion for a resolution

Amendment

22b. Stresses that products bought through online marketplaces should comply with all the relevant EU safety regulations, given that the Digital Services Act should be able to upgrade the liability and safety rules for digital platforms, services and products;

Or. fr

Amendment 228
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 22 c (new)

Motion for a resolution

Amendment

22c. Strongly believes that there is a need to strengthen platform liability for illegal and unsafe products, thus re-enforcing the digital single market; recalls that in such cases platform liability should be fit for purpose, taking into account the consumer safeguards in place, which should be complied with at all times, and the establishment of concomitant redress measures for retailers and consumers; believes that the system can only function if enforcement authorities have sufficient powers, tools and resources to enforce the provisions and cooperate effectively in cases with a transnational element;

Or. fr

Amendment 229
Emmanuel Maurel, Manon Aubry

Motion for a resolution
Paragraph 22 d (new)

Motion for a resolution

Amendment

22d. Stresses that in view of the commercial activities in online marketplaces, self-regulation has proven to be insufficient and calls, therefore, on the Commission to introduce strong safeguards and obligations with respect to product safety and consumer protection for commercial activities in online marketplaces, accompanied by a tailored liability regime with appropriate enforcement mechanisms;

Or. fr