



**2020/0361(COD)**

22.6.2021

# **DRAFT OPINION**

of the Committee on Legal Affairs

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council  
on Single Market For Digital Services (Digital Services Act) and amending  
Directive 2000/31/EC  
(COM(2020)0825 – C9-0418/2020 – 2020/0361(COD))

Rapporteur for opinion: Geoffroy Didier

(\*) Associated committee – Rule 57 of the Rules of Procedure

PA\_Legam

## SHORT JUSTIFICATION

The DSA should cover all digital services that play an important role in the dissemination of illegal content, in order to subject their content moderation practices to adequate regulation. That is why I clarified the scope of the DSA in order to explicitly target 3 types of services that play a major role in the dissemination of content: search engines, live-streaming services of user-generated content and messaging services.

These three categories of services should be subject, firstly, to the obligations currently provided for all intermediary services, and secondly, to the risk assessment and mitigation obligations applied to very large platforms, when they exceed the relevant thresholds. Live-streaming services and messaging services should also fall under certain obligations applicable to hosting services and online platforms, to the extent that these obligations can be applied to them. For example, these services can and should comply with obligations related to suspension of accounts and to guarantees offered to users in case of sanctions.

In the background of the fast expansion in recent years and in particular during the Covid-19 pandemic, online marketplaces have induced a number of threats regarding consumer protection, both in terms of enforcement of consumers' rights and of product safety and product compliance. Furthermore, these marketplaces give rise to growing concerns as to industrial property rights and counterfeiting, and more generally to growing concerns about the setting of an unlevel playing field, whereby compliant companies increasingly undergo unfair competition from non-compliant ones.

For example, the investigations of the 10 main online marketplaces illustrated that, on average, 63 % of the products proposed to European consumers were non-compliant and 28% of these products were actually dangerous, such rates being significantly higher than those found for "brick and mortar" retailers.

Such situation is undoubtedly linked to a loophole in the current legal framework, which allows online marketplaces to escape from a number of basic requirements, the lack of which makes it impossible to ensure a reasonable and satisfactory level of protection of the European consumers purchasing online. The wider the market share of online marketplaces, the higher such risk, and the more worrisome it is.

Given the foregoing, in order to bring this loophole to an end, and thus to rule out such increasing risk, it appears indispensable to add to the DSA a number of additional specific provisions for online platforms offering marketplaces services.

Another one problem is the application of the so-called "country of origin principle" that could result, given the current establishment of content platforms in the EU, in a few national authorities being the only authorities empowered to enforce the DSA. These authorities might not be able to fulfill their roles. Furthermore, the proposed scheme would not allow national specificities to be properly taken into account for the regulation of content. The DSA must therefore be adjusted in order to explicitly confer prerogatives of intervention upon the competent authorities of the country of destination (e.g. power of access to data, involvement in the investigation and decision-making, power to take action on a problem affecting its territory, direct intervention in the event of unjustified inaction by the authority of the country of establishment).

## AMENDMENTS

The Committee on Legal Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

#### Recital 13

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

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, *such as* social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

##### *Amendment*

(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, *search engines, social networks or online marketplaces and live streaming platforms or private messaging providers* should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.

## Amendment 2

### Proposal for a regulation

#### Recital 18

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

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical **and** automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should **accordingly** not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

##### *Amendment*

(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical automatic **and passive** processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider. ***The provider of intermediary services is considered to play an active role when it optimises, promotes, classifies, organises and references the content, regardless of whether this is automated or not.***

## Amendment 3

### Proposal for a regulation

#### Recital 18 a (new)

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

##### *Amendment*

***(18a) The exemptions from liability established in this Regulation should not be available to providers of intermediary services that do not comply with the due***

*diligence obligations in this Regulation. The conditionality should further ensure that the standards to qualify for such exemptions contribute to a high-level of safety and trust in the online environment.*

Or. en

#### Amendment 4

##### Proposal for a regulation Recital 20

*Text proposed by the Commission*

(20) A provider of intermediary services ***that deliberately collaborates with a recipient of the services in order to undertake*** illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.

*Amendment*

(20) A provider of intermediary services ***the main purpose of which is to engage in or facilitate*** illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.

Or. en

#### Amendment 5

##### Proposal for a regulation Recital 23

*Text proposed by the Commission*

(23) ***In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain*** providers of hosting services, ***namely***, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as ***those online platforms*** present the relevant information

*Amendment*

(23) Providers of hosting services, ***such as*** online platforms that allow consumers to conclude distance contracts with traders, ***and other service providers*** should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as ***they*** present the relevant information relating to the transactions ***or exchanges*** at issue in such a way that it leads consumers to believe that the information was

relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those *online platforms* themselves or by recipients of the service acting under their authority or control, and that those *online platforms* thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

provided by those *hosting service providers* themselves or by recipients of the service acting under their authority or control, and that those *hosting service providers* thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.

Or. en

## Amendment 6

### Proposal for a regulation Recital 25

#### *Text proposed by the Commission*

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be

#### *Amendment*

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union *or national* law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability *set out in this Regulation*. Therefore, any such activities and

taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

Or. en

## Amendment 7

### Proposal for a regulation Recital 28

*Text proposed by the Commission*

(28) ***Providers of intermediary services should not be subject to*** a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as ***an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take*** proactive measures to ***relation to*** illegal content.

*Amendment*

(28) ***Member States are prevented from imposing*** a monitoring obligation ***on service providers only*** with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as ***impeding providers from taking*** proactive measures to ***identify and remove*** illegal content ***and to prevent that it reappears.***

Or. en

## Amendment 8

### Proposal for a regulation Recital 32

*Text proposed by the Commission*

(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.

*Amendment*

(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. ***This information shall include the relevant e-mail addresses, telephone numbers, IP addresses and other contact details necessary to ensure such compliance.*** Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.

Or. en

**Amendment 9**

**Proposal for a regulation**

**Recital 37**

*Text proposed by the Commission*

(37) Providers of intermediary services that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are

*Amendment*

(37) Providers of intermediary services that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are

complied with.

complied with. *In order to avoid disproportionate burden, micro and small enterprises as defined in Commission Recommendation 2003/361/EC established in third countries, should be exempt from the obligation to designate a legal representative.*

Or. en

## Amendment 10

### Proposal for a regulation Recital 40

#### *Text proposed by the Commission*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

#### *Amendment*

(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide, ***based on its own assessment***, whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. ***It may also be possible for online platforms to prevent a content that has already been identified as illegal and that has been removed on the basis of a prior notice, from reappearing.*** The obligation to put in place notice and action mechanisms should apply, for instance, to

file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

Or. en

## Amendment 11

### Proposal for a regulation

#### Recital 46

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

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-

##### *Amendment*

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests ***or general interest to prevent infringements of Union law or provide redress*** and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions

holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. ***The same should be granted to applicants within the meaning of Regulation (EU) No 608/2013 or in case of complaints pursuant to Regulation (EU) 2019/1020 so as to ensure that existing rules regarding custom enforcement or consumer protection are effectively implemented to online sale.*** The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.<sup>43</sup>

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

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<sup>43</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Or. en

## Amendment 12

### Proposal for a regulation Article 1 – paragraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) facilitate innovation, support digital transition, encourage economic***

*growth and create a level playing field for digital services within the internal market.*

Or. en

### **Amendment 13**

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

#### **Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business or profession;

*Amendment*

(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, ***craft*** or profession;

Or. en

### **Amendment 14**

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

#### **Article 2 – paragraph 1 – point d – indent 1**

*Text proposed by the Commission*

– a significant number of users in one or more Member States; or

*Amendment*

– a significant number of users in one or more Member States ***compared to their total population***; or

Or. en

### **Amendment 15**

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

#### **Article 2 – paragraph 1 – point f – introductory part**

*Text proposed by the Commission*

(f) ‘intermediary service’ means one of the following services:

*Amendment*

(f) ‘intermediary service’ means one of the following ***information society*** services:

Or. en

## Amendment 16

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f – indent -1 (new)

*Text proposed by the Commission*

*Amendment*

- ***an online platform as defined in point (h);***

Or. en

## Amendment 17

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f – indent 3

*Text proposed by the Commission*

*Amendment*

- a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;

- a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service ***and which does not have any active role in data processing;***

Or. en

## Amendment 18

### Proposal for a regulation

#### Article 2 – paragraph 1 – point f – indent 3 a (new)

*Text proposed by the Commission*

*Amendment*

- ***an online search engine as defined in point (5) of Article 2 of Regulation (EU) 2019/1150.***

Or. en

## Amendment 19

### Proposal for a regulation

#### Article 2 – paragraph 1 – point g

*Text proposed by the Commission*

(g) ‘illegal content’ means any information, which, in itself or by its reference to *an* activity, ***including the sale of products or provision of services*** is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

*Amendment*

(g) ‘illegal content’ means any information which, in itself or by its reference to ***illegal content, products, services or*** activity, is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

Or. en

## Amendment 20

### Proposal for a regulation

#### Article 2 – paragraph 1 – point h

*Text proposed by the Commission*

(h) ‘online platform’ means a provider of a hosting service which, ***at the request of a recipient of the service***, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of ***another*** service and, for objective and technical reasons cannot be used without that ***other*** service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

*Amendment*

(h) ‘online platform’ means a provider of a hosting service which stores and disseminates to the public information ***and optimises its content***, unless that activity is a minor and purely ancillary feature of ***the main*** service and, for objective and technical reasons cannot be used without that ***main*** service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation;

Or. en

## Amendment 21

### Proposal for a regulation

#### Article 2 – paragraph 1 – point h a (new)

*Text proposed by the Commission*

*Amendment*

**(ha) ‘online marketplace’ means an online platform allowing consumers to conclude distance contracts with traders;**

Or. en

## **Amendment 22**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point h b (new)**

*Text proposed by the Commission*

*Amendment*

**(hb) ‘live streaming platform service’ means an information society service the main or one of the main purposes of which is to give the public access to audio or video material that is broadcasted live by its users, which it organises and promotes for profit-making purposes;**

Or. en

## **Amendment 23**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point h c (new)**

*Text proposed by the Commission*

*Amendment*

**(hc) ‘private messaging service’ means a number-independent interpersonal communications service as defined in Article 2(7) of Directive (EU) 2018/1972, excluding transmission of electronic mail as defined in Article 2(h) of Directive 2002/58/EC.**

Or. en

## *Justification*

*The scope of the DSA should be clarified in order to explicitly target three types of services that play a major role in the dissemination of content: search engines, live-streaming services of user-generated content and messaging services. These three categories of services should be subject, firstly, to the obligations currently provided for all intermediary services, and secondly, to the risk assessment and mitigation obligations applied to very large platforms, when they exceed the relevant thresholds. Live-streaming services and messaging services should also fall under certain obligations applicable to hosting services and online platforms, to the extent that these obligations can be applied to them.*

### **Amendment 24**

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

#### **Article 2 – paragraph 1 – point i**

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

(i) ‘dissemination to the public’ means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;

##### *Amendment*

(i) ‘dissemination to the public’ means making information available, at the request of the recipient of the service who provided the information, to a **significant and** potentially unlimited number of third parties;

Or. en

### **Amendment 25**

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

#### **Article 2 – paragraph 1 – point p**

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

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as

##### *Amendment*

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services, **regardless of whether they are automated or processed by a person, which are** aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability,

demotion, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

Or. en

## Amendment 26

### Proposal for a regulation

#### Article 5 – paragraph 1 – point b

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

(b) upon obtaining such knowledge or awareness, ***acts*** expeditiously ***to remove or to disable*** access to the illegal content.

##### *Amendment*

(b) upon obtaining such knowledge or awareness, expeditiously ***and permanently removes or disables*** access to the illegal content; ***expeditiously means immediately or as fast as possible and in any event no later than within 30 minutes where the illegal content pertains to the broadcast of a live sports or entertainment event.***

Or. en

##### *Justification*

*Most of the economic value of the broadcast of a live sports or entertainment event lies in the live dimension and most of that value is lost when the event ends. In order to make the current system work for live content, the notion of 'expeditious' has to be clarified. Therefore, to keep enforcement meaningful, the removal or disabling of access to illegal broadcasts of live sports or entertainment events shall be done as quickly as possible and definitely before the end of the match or concert or live show etc. The Dutch District Court in The Hague clarified for the first time in the ECATEL case in 2018 that the removal of infringing live content has to be done within maximum 30 minutes. European Parliament resolution of 19 May 2021 with recommendations to the Commission on challenges of sports events organisers in the digital environment (2020/2073(INL)) asks for such clarification so that 'expeditiously' in this context is considered to mean immediately or as fast as possible and in any event no later than within 30 minutes of the receipt of the notification from rightholders or from a certified trusted flagger.*

## Amendment 27

### Proposal for a regulation Article 5 – paragraph 3

*Text proposed by the Commission*

3. Paragraph 1 shall not apply with respect to liability ***under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders***, where such ***an online platform*** presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.

*Amendment*

3. Paragraph 1 shall not apply with respect to liability ***of an online marketplace***, where such ***a marketplace*** presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control. ***Paragraph 1 shall not apply with respect to liability of online marketplaces for illegal content they host on their platform unless they can demonstrate that they complied with their obligations under Articles 11, 14, 22, 22a, 22b, 22c and 22d.***

Or. en

## Amendment 28

### Proposal for a regulation Article 5 – paragraph 3 a (new)

*Text proposed by the Commission*

***3a. Paragraph 1 shall not apply where the provider of intermediary services plays an active role by, for instance, providing assistance in optimising, classifying, organising, referencing or promoting the content or it has any control over the content, including by the use of automated means, such as algorithms.***

Or. en

## Amendment 29

### Proposal for a regulation Article 6 – paragraph 1

*Text proposed by the Commission*

Providers of intermediary services shall **not** be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 **solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out** in this Regulation.

*Amendment*

**1.** Providers of intermediary services shall be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 **when they engage in or facilitate illegal activities or when they do not** comply with the **due diligence obligations laid down** in this Regulation.

Or. en

## Amendment 30

### Proposal for a regulation Article 6 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**1a.** **Paragraph 1 shall apply only when intermediary services are compliant with due diligence obligations laid down in this Regulation.**

Or. en

## Amendment 31

### Proposal for a regulation Article 8 – paragraph 2 – point c

*Text proposed by the Commission*

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the

(c) the order is drafted in the language declared by the provider and is sent to the

point of contact, appointed by the provider, in accordance with Article 10.

point of contact, appointed by the provider, in accordance with Article 10; ***upon a decision by a Member State an order may be drafted in the official language of the Member State whose authority issued the order against the specific item of illegal content; in such case, the point of contact shall be entitled, upon request, to a transcription by that authority into the language declared by the provider.***

Or. en

## Amendment 32

### Proposal for a regulation Article 9 – paragraph 1

#### *Text proposed by the Commission*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

#### *Amendment*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order. ***Where no effect has been given to the order, a statement shall explain the reasons why the information cannot be provided to the national judicial or administrative authority that issued the order.***

Or. en

## Amendment 33

### Proposal for a regulation Article 9 – paragraph 2 – point a – indent 1

*Text proposed by the Commission*

– a statement of reasons ***explaining the objective for*** which the information is required ***and why the requirement to provide the information is necessary and proportionate*** to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;

*Amendment*

– a statement of reasons ***according to*** which the information is required to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for ***official*** reasons related to the prevention, investigation, detection and prosecution of criminal offences;

Or. en

**Amendment 34**

**Proposal for a regulation  
Article 9 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10;

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10; ***upon a decision by a Member State, the order may be drafted in the official language of the Member State whose authority issued the order against the specific item of illegal content; in such case, the point of contact shall be entitled, upon request, to a transcription by that authority into the language declared by the provider.***

Or. en

**Amendment 35**

**Proposal for a regulation  
Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.

*Amendment*

1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, ***for those already existing as soon as possible, for those to be established prior to the establishment,*** in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.

Or. en

**Amendment 36**

**Proposal for a regulation  
Article 11 – paragraph 2**

*Text proposed by the Commission*

2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and ***resource to cooperate*** with the Member States' authorities, the Commission and the Board and ***comply*** with those decisions.

*Amendment*

2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and ***resources in order to guarantee their proper and timely cooperation*** with the Member States' authorities, the Commission and the Board and ***compliance*** with those decisions.

Or. en

## Amendment 37

### Proposal for a regulation Article 11 – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 38

### Proposal for a regulation Article 12 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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

1. Providers of intermediary services shall **ensure that** their terms and conditions **prohibit the recipients of their services from providing information that is not in compliance with Union law or the law of the Member State where such information is made** available.

Or. en

## Justification

*Terms and conditions must include prohibition of content that is contrary to EU or local national law. They may provide for additional restrictions, provided that these restrictions are designed with due regard to fundamental rights. It should be clearly stated that providers of intermediary services must enforce their terms and conditions.*

### Amendment 39

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

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

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

##### *Amendment*

2. Providers of intermediary services shall ***ensure that any additional restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service are designed with due regard to the fundamental rights as enshrined in the Charter.***

Or. en

### Amendment 40

#### Proposal for a regulation Article 12 – paragraph 2 – subparagraph 1 a (new)

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

##### *Amendment*

***Providers of intermediary services shall enforce the additional restrictions referred to in the first subparagraph in a diligent, objective and proportionate manner, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.***

Or. en

## Amendment 41

### Proposal for a regulation Chapter III – Section 2 – title

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 42

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 43

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

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

#### **Amendment 44**

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

*Text proposed by the Commission*

*Amendment*

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

6. Providers of hosting services, ***including online platforms, and of private messaging services, without prejudice to Article 5(1), point (b),*** shall process any notices that they receive under the mechanisms referred to in paragraph 1 ***of this Article,*** and ***remove or disable access to the illegal content without undue delay and within seven days of the receipt of the notification at the latest.***

Or. en

## Amendment 45

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 46

### Proposal for a regulation Article 14 – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

**6b. Providers of hosting services may put in place all reasonable measures to permanently block, disable or remove all illegal content or illegal activity which is identical or equivalent to the content previously taken down as a result of a valid notice and action procedure which has not given rise to a successful appeal.**

Or. en

## Amendment 47

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

*Text proposed by the Commission*

*Amendment*

1. Where a provider of hosting

1. Where a provider of hosting

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

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

Or. en

## Amendment 48

### Proposal for a regulation

#### Article 15 – paragraph 2 – introductory part

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

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

##### *Amendment*

2. ***When the removing or disabling access to specific items of information is followed by the transmission of those specific items of information in accordance with Article 15a, the provision of information to the recipient in accordance with paragraph 1 shall be postponed for a period of six weeks in order not to interfere with potential ongoing criminal investigations. That period of six weeks may be renewed only after a motivated decision of the competent authority to which the specific items of information had been transmitted.*** The statement of reasons referred to in paragraph 1 shall at least contain the following information:

Or. en

## Amendment 49

### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 50

### Proposal for a regulation

#### Article 15 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 15a***

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

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

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

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

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

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

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

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

**(b) the competent law enforcement authority to receive such illegal content is that of the Member State of the residence or establishment of the person who made**

*the illegal content available, or, failing that, the law enforcement authority is that of the Member State in which the provider of hosting services is established or has its legal representative, or, failing that, the provider of hosting services shall inform Europol;*

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

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

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*<sup>1a</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, p. 55).*

*<sup>1b</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1).*

Or. en

#### *Justification*

*For the most odious illegal content, the aim is to go beyond mere removal/blocking, to oblige the law enforcement authorities to be informed and thus enable them to quickly become aware of such content and to initiate investigations. The effectiveness of investigations must be preserved by postponing the information to the user that a content of which he is the author has been removed or blocked and the reasons why it has been removed or blocked. This is to prevent the author from seeking to remove evidence.*

## Amendment 51

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

*Text proposed by the Commission*

*Amendment*

#### *Article 15b*

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

- 1. Where a provider of hosting services becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.*
- 2. Where provider of hosting services cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or shall inform Europol. For the purpose of this Article, the Member State concerned shall be the Member State where the serious criminal offence is suspected to have taken place, to be taking place or to likely take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected serious criminal offence resides or is located. For the purpose of this Article, each Member State shall notify to the Commission the list of its competent law enforcement or judicial authorities.*

Or. en

#### *Justification*

*In order to ensure that law enforcement authorities are provided with the most useful information, it is necessary to clarify the obligation of intermediary service providers to*

*inform them when they have the suspicion that a serious criminal offence involving a threat to the life or security of persons has been committed, is being committed or is likely to be committed.*

## **Amendment 52**

### **Proposal for a regulation Article 16 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

This Section shall not apply to online platforms that qualify as micro or small enterprises *as defined in Recommendation 2003/361/EC and to online platforms that no longer qualify as micro or small enterprises, during the 12 months following the loss of their status of micro or small enterprise.*

Or. en

## **Amendment 53**

### **Proposal for a regulation Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 54

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 55

### Proposal for a regulation Article 17 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

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

Or. en

## Amendment 56

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

*Text proposed by the Commission*

*Amendment*

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

**Amendment 57****Proposal for a regulation  
Article 17 – paragraph 3***Text proposed by the Commission*

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

*Amendment*

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

**Amendment 58****Proposal for a regulation  
Article 17 – paragraph 5***Text proposed by the Commission*

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

*Amendment*

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

means.

Or. en

## Amendment 59

### Proposal for a regulation Article 19

*Text proposed by the Commission*

#### Article 19

##### Trusted flaggers

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided ***upon with priority and*** without delay.

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

- (a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;
- (b) it represents collective interests and is independent from any online platform;
- (c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.

*Amendment*

#### Article 14a

##### Trusted flaggers

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided ***immediately***, without ***prejudice to the implementation of a complaint and redress mechanism***.

2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any entities, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions, ***without prejudice to the implementation of a complaint and redress mechanism***:

- (a) it has particular expertise and competence, for the purposes of detecting, identifying and notifying illegal content;
- (b) it represents collective interests ***including general interest to prevent or provide redress for infringements of Union law*** and is independent from any online platform;
- (c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner, ***and it is independent***.

***2a. The conditions set in paragraph 2 shall allow trusted flaggers' notifications***

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.
4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.
5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.
6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.

***to be sufficient for immediate removal or disabling of the content notified by them.***

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.
4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.
5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices, ***or notices aimed at distorting competition***, through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.
6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. ***The Digital Services Coordinator may take into account any evidence according to which the entity would have used its status to distort competition.*** Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.

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

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

Or. en

*(Article 19 is placed after Article 14 and is amended.)*

## Amendment 60

### Proposal for a regulation Article 20 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Repeated offenders should be sanctioned more forcefully, so as to ensure an effective and dissuasive effect of the fight against illegal content. The same should apply to amateur complainants, It is also important to discourage unfounded complainants, that would be prejudicial to the aim of the Regulation.*

## Amendment 61

### Proposal for a regulation Article 20 – paragraph 2

*Text proposed by the Commission*

2. Online platforms shall suspend, for a reasonable period of time **and after having issued a prior warning**, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-

*Amendment*

2. Online platforms shall, **after having issued a prior warning**, suspend, for a reasonable period of time, **or terminate** the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-

handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

Or. en

## Amendment 62

### Proposal for a regulation

#### Article 22 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 63

### Proposal for a regulation

#### Article 22 – paragraph 1 – point c

*Text proposed by the Commission*

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

*Amendment*

(c) the bank account details of the trader;

Or. en

## Amendment 64

### Proposal for a regulation

#### Article 22 – paragraph 1 – point f

*Text proposed by the Commission*

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

*Amendment*

(f) a self-certification by the trader committing to only offer products or services **or content including advertisement, that complies** with the applicable rules of Union law.

Or. en

**Amendment 65**

**Proposal for a regulation  
Article 22 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. **Before allowing traders to use its services and after any update of the information referred to the online marketplace in points (a), (d) and (e) of paragraph 1**, the online **marketplace** shall, upon receiving that information, make reasonable efforts to assess whether **that** information is reliable through requests to the trader to provide supporting documents from reliable sources.

Or. en

**Amendment 66**

**Proposal for a regulation  
Article 22 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Where the online **platform** obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as

*Amendment*

3. Where the online **marketplace** obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the

necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

## Amendment 67

### Proposal for a regulation Article 22 – paragraph 4

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 68

### Proposal for a regulation Article 22 – paragraph 5

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en

## Amendment 69

### Proposal for a regulation Article 22 – paragraph 6

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 70

### Proposal for a regulation Article 22 – paragraph 7

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 71

### Proposal for a regulation Article 22 a (new)

*Text proposed by the Commission*

*Amendment*

#### *Article 22a*

##### *Obligation to provide information*

**1. The online interface made available to the trader shall allow access to at least the following information:**

- (a) the information referred to in Article 22(6);*
- (b) the information requirements provided for in Articles 6 and 8 of Directive 2011/83/EU;*
- (c) the information allowing for the unequivocal identification of the product or the service, and, where applicable, the CE marking and the warnings, information and labels, which are mandatory under applicable legislation on product safety and product compliance.*

*The Commission shall adopt an implementing act listing the items of information required in accordance with the first subparagraph. That implementing act shall be adopted no later than ... [one year after entry into force of this Regulation].*

*2. The online marketplace shall check that the information provided by the trader is complete with regard to the lists of information items referred to in points (a) and (b) of Article 22(2) before the offer for the product or service is made available online and shall not authorize the trader to make available such an offer for as long as the information remains incomplete.*

*3. Where the online marketplace establishes that the information provided by the trader for an offer that has already been published online is not relevant anymore and must be completed, it shall suspend the offer without delay or make it inaccessible and ask the trader to complete that information as soon as possible.*

Or. en

#### *Justification*

*In recent years and in particular during the Covid-19 pandemic, online marketplaces have induced a number of threats regarding consumer protection, both in terms of enforcement of consumers' rights and of product safety and product compliance. Furthermore, these*

*marketplaces give rise to growing concerns as to industrial property rights and counterfeiting, and more generally to growing concerns about the setting of an unlevel playing field, whereby compliant companies increasingly undergo unfair competition from non-compliant ones. For example, the investigations of the 10 main online marketplaces showed that on average 63 % of the products proposed to European consumers were non-compliant and 28% of these products were actually dangerous, such rates being significantly higher than those found for “brick and mortar” retailers. Such situation is undoubtedly linked to a loophole in the current legal framework, which allows online marketplaces to escape from a number of basic requirements. In order to rule out such increasing risk, it appears indispensable to add to the DSA a number of additional specific provisions for online platforms offering marketplaces services.*

## **Amendment 72**

### **Proposal for a regulation Article 22 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 22b**

##### **Obligations relating to illegal offers from traders**

- 1. The online marketplaces shall take adequate measures in order to prevent the dissemination by traders using its services of offers for products or services which do not comply with Union law or law of any Member State on the territory of which those offers are made available.**
- 2. Where the online marketplace obtains indication including the elements listed in points (a) and (b) of Article 14(2), and according to which an item of information referred to in Article 22a(1) is inaccurate, that online marketplace shall request the trader to give evidence of the accuracy of that item of information or to correct it, without delay. Where the trader does not promptly provide evidence that the item of information is accurate or evidence that the correction made is regular, the online marketplace shall suspend the offer for the product or service until the trader has complied with the request.**

3. *Before the trader's offer is made available on the online marketplace, the online marketplace shall verify, with regard to the information allowing for the unequivocal identification of the product including the information referred to in point (b) of Article 22a(1), if the offer that the trader wishes to propose to consumers located in the Union is mentioned in the list, or the lists, of products or categories of products identified as not compliant, as classified in any freely accessible official online database or online interface whose reference is established by the Commission by means of an implementing act adopted no later than ... [one year after entry into force of this Regulation], and shall not authorize the trader to provide the offer if that verification determines that the product is so listed.*

4. *The online marketplace shall take state-of-the-art, adequate and proportionate measures to prevent the dissemination of offers for counterfeiting products, on the basis of the information provided by the industrial property rights owners. The online marketplace shall put in place adapted and proportionate mechanisms to prevent the future uploads of offers for products that were previously notified in accordance with Article 14 as counterfeits and that were already removed on its initiative.*

Or. en

## Amendment 73

### Proposal for a regulation Article 22 c (new)

*Text proposed by the Commission*

*Amendment*

*Article 22c*

*Obligations relating to illegal offers from*

*traders with regard to the applicable law on product safety and product compliance*

**1. As soon as a market surveillance authority or a customs authority informs the online marketplace that an offer for a product or service is illegal under applicable law on product safety and product compliance, that online marketplace shall remove the offer or disable access to it.**

**The online marketplace shall inform the trader who has published the illegal offer of the decision taken pursuant to this paragraph in accordance with Articles 15 and 17.**

**When it informs the trader of the decision to remove the offer or disable access to it, and where the illegality of the offer relates to a defect of the product or service which may endanger the health or the safety of consumers, the online marketplace shall request the trader to provide all information able to demonstrate that it has taken appropriate corrective action in accordance with Article 16(3) of Regulation (EU) 2019/1020.**

**2. Where the online marketplace receives no reply from the trader within 48 hours from the date of the request referred to in paragraph 1 of this Article, it shall take the necessary corrective action referred to in points (c), (d) and (g) of Article 16(3) of Regulation (EU) 2019/1020 without undue delay.**

**3. The online marketplace shall inform without delay the market surveillance authority or the customs authority of the action taken by the trader or on its own for the application of paragraphs 1 and 2. As soon as a market surveillance authority or a customs authority orders the trader to undertake alternative or additional measures and informs the online marketplace accordingly, that online marketplace shall request the trader to provide all**

*information proving that it has given due effect to the order.*

*Where the online marketplace does not receive within 48 hours the information according to which the trader has fully complied with the order, the online marketplace shall implement directly the alternative measures ordered by the market surveillance authority or the customs authority without undue delay.*

*4. The online marketplace may charge the trader with the costs of the measures it has taken in accordance with this Article, by any appropriate means. It shall notify immediately such measure to the trader and inform him of its right to contest that decision in accordance with Articles 17 and 18 or by legal action.*

*The online marketplace shall not require from traders using its services any advance payments of costs related to the measures it may take in accordance with this Article, nor shall it make access to its services conditional on the acceptance of such payments.*

Or. en

## **Amendment 74**

### **Proposal for a regulation Article 22 d (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 22d*

#### *Suspension of access of traders to the online marketplace services*

*1. In accordance with Article 20 the online marketplace shall suspend without undue delay the provision of its services to traders that provide, in a repeated manner or continuously, illegal offers for a product or a service. It shall immediately*

*notify its decision to the trader.*

*2. Where the online marketplace adopts a decision pursuant to paragraph 1 it shall continue to meet its obligations under this Section, in particular regarding consumers who have concluded a contract with the suspended traders.*

*3. The online marketplace shall inform without delay the competent authority about the decision taken pursuant to paragraph 1.*

Or. en

## **Amendment 75**

### **Proposal for a regulation Article 22 e (new)**

*Text proposed by the Commission*

*Amendment*

*Article 22e*

*Right to redress*

*The online marketplace shall be entitled to redress from the trader who benefited from its services in case of a failure by the trader to comply with its obligations towards the online marketplace or towards consumers, unless the online marketplace has already charged the trader for the costs of the measures it had to take as a consequence.*

*The consumer is entitled to redress from the online marketplace for the failure of the online marketplace to comply with the obligations under this Section.*

Or. en

## **Amendment 76**

### **Proposal for a regulation Article 25 – title**

*Text proposed by the Commission*

*Amendment*

Very large online platforms

Very large online platforms, ***live streaming platforms, private messaging providers and search engines***

Or. en

## **Amendment 77**

### **Proposal for a regulation Article 25 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

## **Amendment 78**

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

*Text proposed by the Commission*

*Amendment*

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

1. Very large online ***platform services, live streaming platform services, private messaging services and search engine services*** shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their

following systemic risks:

services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

## Amendment 79

### Proposal for a regulation

#### Article 27 – paragraph 1 – introductory part

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

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

##### *Amendment*

1. Very large online **platform services, live streaming platform services, private messaging services and search engine services** shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

Or. en

## Amendment 80

### Proposal for a regulation

#### Article 27 – paragraph 2 – point a

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

(a) identification and assessment of the most prominent and recurrent systemic risks reported by **very large** online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

##### *Amendment*

(a) identification and assessment of the most prominent and recurrent systemic risks reported by online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

Or. en

## Amendment 81

### Proposal for a regulation Article 30 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

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

**(a) conduct quantitative and qualitative assessment of cases where advertising is associated with illegal content or with content incompatible with their terms and conditions;**

**(b) detect fraudulent use of their services to fund illegal activities;**

**(c) assess the performance of their tools in terms of brand safety.**

**The report shall include an audit opinion of the performance of the tools of a very large online platform in terms of brand safety, either positive, positive with comments or negative. Where the audit opinion is not positive, operational recommendations for specific measures to achieve compliance shall be provided.**

**Very large online platforms shall make the result of that audit available to advertisers upon their request.**

Or. en

#### *Justification*

*Proposal to address the recurring difficulties of advertisers in obtaining information on the quality and performance of their advertising campaigns, which remain continuously dependent on the tools and metrics provided by the platforms, without any possibility for them to test and verify these "proprietary" indicators of the platforms ("black box" effect). To this end, advertisers are asking for the ability to audit these proprietary metrics by third parties*

*independent from the platforms. The objective of these independent brand safety audits is to allow brands and advertisers to verify the accuracy and precision of the reports established unilaterally by the platforms.*

## **Amendment 82**

### **Proposal for a regulation Article 37 – paragraph 5**

#### *Text proposed by the Commission*

5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it **may** request the participants to revise the crisis protocol, including by taking additional measures.

#### *Amendment*

5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it **shall** request the participants to **remove and, where necessary,** revise the crisis protocol, including by taking additional measures.

Or. en

## **Amendment 83**

### **Proposal for a regulation Article 38 – paragraph 2 – introductory part**

#### *Text proposed by the Commission*

2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

#### *Amendment*

2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. ***Those competent authorities shall have the same powers to carry out the tasks or supervise the sectors assigned to them as those attributed to the Digital Services Coordinator for the application and enforcement of this Regulation.*** The Digital Services Coordinator shall in any

event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

Or. en

## **Amendment 84**

### **Proposal for a regulation Article 40 – paragraph 1**

*Text proposed by the Commission*

1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III and IV of this Regulation.

*Amendment*

1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III, **Sections 1 to 4, as well as Chapter IV.**

Or. en

## **Amendment 85**

### **Proposal for a regulation Article 40 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The Member State where the consumers have their habitual residence shall have jurisdiction for the purposes of Chapter III, Section 3.**

Or. en

## **Amendment 86**

### **Proposal for a regulation Article 40 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Member State where the authority issuing the order is situated shall have jurisdiction for the purposes of Articles 8 and 9.***

Or. en

## **Amendment 87**

### **Proposal for a regulation Article 42 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 42a***

***In accordance with the conditional exemption from liability laid down in Article 1(1)(a), Member States shall ensure that the penalty for repeatedly failing to comply with the obligations under this Regulation includes the horizontal loss of the liability exemption for the intermediary service provider.***

Or. en

## **Amendment 88**

### **Proposal for a regulation Article 44 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Digital Services Coordinators shall draw up an annual report on their activities under this Regulation. They shall make the annual reports available to the public, and shall communicate them to the Commission and to the Board.

1. Digital Services Coordinators shall draw up an annual report on their activities under this Regulation. They shall make the annual reports available to the public, and shall communicate them to the Commission, ***to the European Parliament*** and to the Board.

Or. en

## Amendment 89

### Proposal for a regulation Article 48 – paragraph 5

#### *Text proposed by the Commission*

5. The Board may invite experts and observers to attend its meetings, and **may** cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.

#### *Amendment*

5. The Board may invite experts and observers to attend its meetings, and **shall** cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.

Or. en