



2020/0361(COD)

10.6.2021

AMENDMENTS

126 - 910

Draft opinion

Patrick Breyer

(PE692.898v01-00)

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

Proposal for a regulation

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

Amendment 126
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) Member States *are* increasingly introducing, or are considering introducing, national laws ***on the matters covered by this Regulation***, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice.

Amendment

(2) ***For years, politics has relied on voluntary cooperation with a view to address these risks and challenges. Since this has proved insufficient and there has been a lack of harmonised rules at Union level,*** Member States ***have been*** increasingly introducing, or are considering introducing, national laws, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice. ***Moreover, a fragmentation of rules can have negative consequences for the freedom of expression.***

Or. en

Amendment 127
Sylvie Guillaume

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) States shall also commit to promoting, by means of multilateral agreements along the lines of the International Partnership for Information and Democracy signed by 21 Member States of the EU, regulation of the public information and communication space by establishing democratic guarantees for the digital space which are based on the responsibility of platforms and guarantees of the reliability of information. These multilateral commitments will provide common solutions for issues falling within the scope of this Regulation.

Or. fr

Amendment 128

Tomas Tobé

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) Complex regulatory requirements both on Union and Member State level have contributed to high administrative costs and legal uncertainty for intermediary services operating on the internal market, especially small and medium sized companies, adding to the risk of discriminatory practices in the Member States.

Or. en

Amendment 129

Caterina Chinnici, Hilde Vautmans, David Lega, Javier Moreno Sánchez, Antonio López-Istúriz White, Milan Brglez, Dragoş Pîslaru, Fabienne Keller, Eva Kaili, Josianne Cutajar, Ioan-Rareş Bogdan

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination.

Amendment

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination. ***Children have specific rights enshrined in Article 24 of the Charter and in the United Nations Convention on the Rights of the Child. The UNCRC General comment No. 25 on children's rights in relation to the digital environment formally sets out how these rights apply to the digital world.***

Or. en

Amendment 130

Beata Kempa, Patryk Jaki

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression ***and*** information and the freedom to conduct a business, and the right to non-discrimination.

Amendment

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression ***including the freedom to receive and impart information and ideas in an open and democratic society, freedom of polemic or controversial views in the course of public debate, freedom of media and access to*** information and the freedom to conduct a business, and the right to non-

discrimination, **and the right to protect personal data**

Or. en

Amendment 131
Nicola Procaccini

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Responsible and diligent behaviour by providers of intermediary services **is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons** to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union (‘Charter’), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination.

Amendment

(3) Responsible and diligent behaviour by providers of intermediary services **means that Union citizens and other persons should be allowed, in an appropriate manner,** to exercise **online** their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union (‘Charter’), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination. **To that end, it is unacceptable for the terms and conditions of such providers to be able to serve as a basis for the removal or disabling of content that is not manifestly illegal.**

Or. it

Amendment 132
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and **other persons** to exercise their fundamental rights guaranteed in the

Amendment

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and **users and consumers within the Union** to exercise their fundamental

Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination.

rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, ***the rights to privacy and data protection***, and the right to non-discrimination.

Or. en

Amendment 133

Paul Tang

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, ***and the right to non-discrimination***.

Amendment

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular ***the right to non-discrimination, privacy, protection of personal data***, freedom of expression and information, ***consumer protection*** and the freedom to conduct a business.

Or. en

Amendment 134

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis

Amendment

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis

of the existence of a significant number of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States **can** be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council²⁷. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered **as establishing** a substantial connection to the Union.

of the existence of a significant number of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States **should** be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council. On the other hand, **the** mere technical accessibility of a website, **of an email address or of other contact details** from the Union, cannot, on that ground alone, be considered **sufficient to constitute** a substantial connection to the Union.

²⁷ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

Or. en

Amendment 135
Clare Daly

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of ***the existence of a significant number of users in one or more Member States, or*** the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council²⁷. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

²⁷ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

Amendment

(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council²⁷. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.

²⁷ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).

Or. en

Amendment 136
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,²⁸ and Regulation (EU) .../.. of the European Parliament and of the Council²⁹ – ***proposed Terrorist Content Online Regulation***. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

²⁸ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

²⁹ Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

Amendment

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,²⁸ and Regulation (EU) **2021/784** of the European Parliament and of the Council²⁹. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

²⁸ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

²⁹ Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation

Amendment 137**Clare Daly****Proposal for a regulation****Recital 12***Text proposed by the Commission*

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined ***broadly and also covers information relating to illegal content, products, services and activities. In particular,*** that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. ***In this regard, it is immaterial whether*** the illegality of the information or activity results from Union law or from national law that is consistent with Union law and ***what the precise nature or subject matter is of the law in question.***

Amendment

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined. That concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law, ***where*** the illegality of the information or activity results from Union law or from national law that is consistent with Union law and ***the Charter.***

Amendment 138**Tomas Tobé****Proposal for a regulation****Recital 12**

(12) ***In order to achieve the objective of ensuring a safe, predictable and trusted online environment***, for the purpose of this Regulation the concept of “illegal content” ***should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept*** should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that ***relates*** to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

(12) For the purpose of this Regulation the concept of “illegal content” should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that ***it is not in compliance with Union law since it refers*** to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant ***dangerous*** or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Or. en

Amendment 139 **Marina Kaljurand**

Proposal for a regulation **Recital 12**

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined ***broadly*** and also ***covers*** information relating to illegal content, products, services and activities. In

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined ***appropriately*** and also ***cover*** information relating to illegal content, products, services and activities

particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

where such information is itself illegal. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Or. en

Amendment 140

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly ***and also covers*** information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-

Amendment

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should ***underpin the general idea that what is illegal offline should also be illegal online. The concept should*** be defined broadly ***to cover*** information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to

consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law ***that is consistent with Union law*** and what the precise nature or subject matter is of the law in question.

activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law and what the precise nature or subject matter is of the law in question.

Or. en

Amendment 141

Nicola Procaccini

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be ***defined broadly and also covers information relating to*** illegal content, ***products, services and activities***. In particular, ***that*** concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union

Amendment

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be ***appropriately differentiated from the concept of "potentially*** illegal content". In particular, ***the*** concept of ***"illegal content"*** should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national

law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Or. it

Amendment 142

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as **illegal** hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the **sharing of images depicting child sexual abuse**, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Amendment

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as hate speech, **child sexual abuse material** or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Or. en

Amendment 143

Annalisa Tardino

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined **broadly** and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, ***it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.***

Amendment

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined ***in the strict observance of the principle of freedom of expression*** and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as ***clearly*** illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law. In this regard, the illegality of the information or activity results from ***a violation of criminal, administrative or civil national legal framework.***

Or. en

Amendment 144

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa, Anna Júlia Donáth

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) Considering the particular characteristics of the services concerned

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, 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.

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, ***content-sharing platforms, search engine, livestreaming platforms, messaging services*** 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.

Or. en

Amendment 145

Beata Kempa, Patryk Jaki

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of

Amendment

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of

information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,³⁹ such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

³⁹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications

information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,³⁹ such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. ***Concept of 'dissemination to the public' should not apply to cloud services, including business-to-business cloud services, with respect to which the service provider has no contractual rights concerning what content is stored or how it is processed or made publicly available by its customers or by the end-users of such customers, and where the service provider has no technical capability to remove specific content stored by their customers or the end-users of their services. Where a service provider offers several services, this Regulation should be applied only in respect of the services that fall within its scope.***

³⁹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications

Amendment 146**Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa****Proposal for a regulation****Recital 14***Text proposed by the Commission*

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1792 of the European Parliament and of the Council,³⁹ such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

Amendment

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ***Accordingly, where access to information requires registration or admission to a user group, such information should only be considered to be publicly available when users seeking to access such information are automatically registered or admitted without human intervention to decide or select the users to whom access is granted.*** The mere possibility to create groups of users of a given service, ***including a messaging service***, should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1792 of the European Parliament and of the Council,³⁹ such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the

meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

³⁹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

³⁹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

Amendment 147

Clare Daly

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ***The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,³⁹ such as emails or private messaging services, fall outside the scope of this Regulation.*** Information should be

Amendment

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ***Accordingly, where access to information requires registration or admittance to a group of users, that information should be considered to have been disseminated to the public only where users seeking to access the information are automatically registered or admitted without a human decision on whom to grant access.*** Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

³⁹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

Amendment 148

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ***The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons.*** Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,³⁹ such as emails or private messaging services, fall outside the scope of this Regulation.

Amendment

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ***Accordingly, that information should be considered to be disseminated to the public only where users seeking to access the information are automatically registered or admitted without a human decision or selection of whom to grant access.*** Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council, such as emails or private messaging services, ***should*** fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only

Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

where that occurs upon the direct request by the recipient of the service that provided the information.

³⁹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

Amendment 149

Paul Tang

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,³⁹ such as emails or private messaging services, fall

Amendment

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons ***from a technical perspective***, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,³⁹ such as emails or private messaging services, fall

outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

³⁹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

³⁹ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

Amendment 150

Marina Kaljurand

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ***The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons.*** Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,³⁹ such as

Amendment

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ***Accordingly, where access to information requires registration or admittance to a group of users, that information should be considered to be disseminated to the public only where users seeking to access the information are automatically registered or admitted without a human decision or selection of whom to grant access.*** Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,³⁹ such as emails or private messaging

emails or private messaging services, ***fall outside the scope of this Regulation***. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

³⁹ Directive (EU) 2018/172 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

services, ***are not considered disseminated to the public***. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.

³⁹ Directive (EU) 2018/172 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36

Or. en

Amendment 151 **Patrick Breyer**

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

Text proposed by the Commission

Amendment

(15 a) The online activities of a person allow for deep insights into their personality as well as their past and future behaviour, making it possible to manipulate them. The high sensitivity of such information and its potential for abuse requires special protection. In line with the principle of data minimisation and in order to prevent unauthorised disclosure, identity theft and other forms of abuse of personal data, recipients should have the right to use and pay for information society services anonymously wherever technically possible. Anonymous payment can take place for example by paying in cash, by using cash-paid vouchers or prepaid payment instruments. The general and indiscriminate collection of personal data concerning every use of a digital service interferes disproportionately with the right to privacy. Users should therefore

have a right not to be subject to pervasive tracking when using information society services. To this end, the processing of personal data concerning the use of services should be limited to the extent strictly necessary to provide the service and to bill the users. Processing personal data for displaying advertisements is not strictly necessary. Following the jurisprudence on communications meta-data providers should not be required to indiscriminately retain personal data concerning the use of the service by all recipients. Applying effective end-to-end encryption to data is essential for trust in and security on the Internet, and effectively prevents unauthorised third party access. The fact that encryption technology is abused by some for illegal purposes does not justify generally weakening effective end-to-end encryption.

Or. en

Justification

Recital to explain Article 2a on Digital Privacy as proposed in the Draft Opinion.

Amendment 152

Elissavet Vozemberg-Vrionidi

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

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 and 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

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.

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 ***or where the provider optimises or promotes the content, regardless of whether this is automated..***

Or. en

Justification

The distinction between active and passive host has been confirmed and developed by the CJEU. The proposed amendment brings the wording in line with L'Oréal SA and Others v eBay International AG and Others, Case C-324/09, EU:C:2011:474 to refer to optimisation and promotion of content.

Amendment 153

Marina Kaljurand, Paul Tang

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 the provider of intermediary services ***has*** knowledge of, or control over, 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. ***The exemptions from liability established in this Regulation should not depend on uncertain notions such as an 'active', 'neutral' or 'passive' role of providers.***

Or. en

Amendment 154
Elissavet Vozemberg-Vrionidi

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 should not be able to benefit from the exemptions from liability provided for in this Regulation.

Or. en

Justification

The notion of deliberate collaboration is very difficult to actually prove in court, change to something more fact-based, objective.

Amendment 155
Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

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 that deliberately collaborates with a recipient of the services in order to undertake illegal activities ***or the main purpose of which is to engage in or facilitate such activities*** should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.

Or. en

Amendment 156
Beata Kempa, Patryk Jaki

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

Amendment

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression ***and the freedom to receive and impart information and ideas in an open and democratic society and the freedom and pluralism of the media***. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

Or. en

Amendment 157
Annalisa Tardino

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act ***expeditiously*** to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the

Amendment

(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act ***as soon as possible*** to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the

principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals *or entities in accordance with this Regulation* in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content *while carefully assessing potential impacts on the freedom of expression*.

Or. en

Amendment 158

Marina Kaljurand

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In order to benefit from the exemption from liability for hosting services, the provider should, *upon obtaining actual knowledge or awareness of illegal* content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

Amendment

(22) In order to benefit from the exemption from liability for hosting services, the provider should, *after having become aware of the unlawful nature of* content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.

Or. en

Amendment 159

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) The exemptions from liability established in this Regulation should not affect the possibility of injunctions of different kinds against providers of intermediary services, even where they meet the conditions set out as part of those exemptions. Such injunctions could, in particular, consist of orders by courts or administrative authorities requiring the termination or prevention of any infringement, including the removal of illegal content specified in such orders, issued in compliance with Union law, or the disabling of access to it.

Amendment

(24) The exemptions from liability established in this Regulation should not affect the possibility of injunctions of different kinds against providers of intermediary services, even where they meet the conditions set out as part of those exemptions. Such injunctions could, in particular, consist of orders by courts or administrative authorities requiring the termination or prevention of any infringement, including the removal of illegal content specified in such orders, issued in compliance with Union law, or the disabling of access to it. ***Such orders, in particular where they require the provider to prevent that illegal content reappears, must be issued in compliance with Union law, in particular with the prohibition of general monitoring obligations, as interpreted by the Court of Justice of the European Union.***

Or. en

Amendment 160

Clare Daly

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

Amendment

deleted

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 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 161

Vladimír Bilčík, Lena Düpont

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

Amendment

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying, **removing and reporting** illegal content that providers of intermediary services may undertake on a voluntary basis, **including the deployment of automated tools to detect manifestly illegal content**, 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

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 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.

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. Therefore, any such activities and 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 162

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Anna Júlia Donáth

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

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 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 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.

exemptions from liability. Therefore, any such activities and measures that a given provider may have taken ***in order to detect, identify and act on illegal pieces of content on a voluntary basis***, 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 163

Nicola Procaccini

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 taken into account when determining whether the provider can rely on an

Amendment

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against ***manifestly*** illegal content ***related to serious crimes*** 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, ***diligently and never on a discretionary basis***. 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 taken into account when determining

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.

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. it

Amendment 164

Nicola Procaccini

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. ***Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law.*** Furthermore, where it is necessary to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a

Amendment

(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Furthermore, where it is necessary to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the actor that has the technical and operational ability to act against specific items of illegal content, so as to prevent and minimise any possible negative effects for the availability and accessibility of

general rule, be directed to the actor that has the technical and operational ability to act against specific items of illegal content, so as to prevent and minimise any possible negative effects for the availability and accessibility of information that is not illegal content.

information that is not illegal content.

Or. it

Amendment 165

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top–level domain name registries, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via

Amendment

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top–level domain name registries, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services, **cloud infrastructure providers** and web-based e-mail services, where the

an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service.

communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service.

Or. en

Amendment 166
Vladimír Bilčík, Lena Düpont

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) 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 ***in*** relation to illegal content. ***However, notice-and-action mechanisms should be complemented by requirements for providers to take specific measures that are proportionate to their scale of reach as well as their technical and operational capacities in order to effectively address the appearance of illegal content on their services.***

Or. en

Amendment 167
Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation
Recital 28

(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.

(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. ***Member states should however have the possibility to require from service providers, who host information provided by users of their service, to apply diligent duty of care.***

Or. en

Amendment 168

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Recital 28

(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.

(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature, ***neither de jure nor de facto. A de facto obligation would occur if the non-implementation of a general or preventive monitoring infrastructure would be uneconomical, for instance due to the significant extra cost of alternative human oversight necessities or due to the threat of significant damage payments.*** 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.

Or. en

Amendment 169
Nicola Procaccini

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial *or administrative* authorities *may order providers of intermediary services to act against certain specific items of* illegal content *or to provide certain specific items of information*. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.

Amendment

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial, *administrative or police* authorities *should be the only bodies entitled to decide on the removal of specific content, except in the case of manifestly* illegal content *related to serious crimes, which might require immediate intervention by the intermediary service provider*. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.

Or. it

Amendment 170
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Recital 29

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial, **law enforcement** or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.

Or. en

Amendment 171

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation

Recital 29

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those

(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those

orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements *relating to the* processing of those orders.

orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements to *ensure the effective* processing of those orders.

Or. en

Amendment 172

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... *[proposed Regulation addressing the dissemination of terrorist content online]*, or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be

Amendment

(30) Orders to act against illegal content or to provide information should be issued *by designated national competent authorities* in compliance with Union law, in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in *this Regulation*. *Member States should ensure that the competent authorities fulfil their tasks in an objective, independent and non-discriminatory manner and do not seek or take instructions from any other body in relation to the exercise of the tasks under this Regulation.* The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) **2021/784** *on* addressing the dissemination of terrorist content online, or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on

without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.

Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information

Or. en

Amendment 173
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30 a) In line with the judgment of the Court of Justice of 3 October 2019 in case C-18/18 and where technologically feasible, providers of intermediary services may be required, on the basis of sufficiently substantiated orders by designated competent authorities and taking full account of the specific context of the content, to execute periodic searches for distinct pieces of content that a court has already declared unlawful, provided that the monitoring of and search for the information concerned by such an injunction are limited to information conveying a message whose content remains essentially unchanged compared with the content which gave rise to the finding of illegality and containing the elements specified in the injunction, which, are identical or equivalent to the extent that would not require the host provider to carry out an independent assessment of that content.

Amendment 174**Vladimír Bilčík, Lena Düpont****Proposal for a regulation****Recital 31***Text proposed by the Commission*

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.

Amendment

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial, ***law enforcement*** or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity. ***Providers of intermediary services should not be legally required to remove content which is legal in their country of establishment. However, in accordance with Union law, it should be possible for a competent authority to request a provider established or legally represented in another Member State to block access to specific content from the Union territory. This is without prejudice to the right for providers to check specific content subject to an order against their terms and conditions and subsequently remove it***

despite it being legal in their country of establishment.

Or. en

Amendment 175

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans

Proposal for a regulation

Recital 31

Text proposed by the Commission

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union *law* or international law and the interests of international comity.

Amendment

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union *or national law*, or international law and the interests of international comity.

Or. en

Amendment 176

Beata Kempa, Patryk Jaki

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. Therefore, orders about ***non personal*** 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 177

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the

Amendment

(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information ***under either Union or national law***, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their

rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.

services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.

Or. en

Amendment 178

Tomas Tobé

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

Amendment

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should ***target illegal practices and*** aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

Or. en

Amendment 179

Annalisa Tardino

Proposal for a regulation
Recital 36

Text proposed by the Commission

(36) In order to facilitate smooth and efficient communications relating to matters covered by this Regulation, providers of intermediary services should be required to establish a single point of contact and to publish relevant information relating to their point of contact, including the languages to be used in such communications. The point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. In contrast to the legal representative, the point of contact should serve operational purposes and should not necessarily have to have a physical location .

Amendment

(36) In order to facilitate smooth and efficient communications relating to matters covered by this Regulation, providers of intermediary services should be required to establish a single point of contact and to publish relevant information relating to their point of contact, including the languages to be used in such communications. The point of contact can also be used by **children rights** trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. In contrast to the legal representative, the point of contact should serve operational purposes and should not necessarily have to have a physical location .

Or. en

Amendment 180
Vladimír Bilčík, Lena Düpont

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 complied with**.

Amendment

(37) Providers of intermediary services that are established in a third country that offer services in the Union should designate a legal representative in the Union **empowered to act on their behalf** so as to allow for the **compliance**, effective oversight and, where necessary, enforcement of this Regulation. It should be possible for **intermediary services to designate, for the purposes of this Regulation, a legal representative already designated for other purposes**, provided **that that legal representative is able to fulfil the functions provided for in this Regulation. Providers of intermediary**

services that are part of a group should be allowed to collectively designate one legal representative.

Or. en

Amendment 181

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC.⁴⁰

⁴⁰ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Amendment

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. ***Providers offering their services in more than one Member State should provide a breakdown of the information by Member State.*** However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC.⁴⁰

⁴⁰ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

Amendment 182

Annalisa Tardino

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC.⁴⁰

⁴⁰ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Amendment

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. ***Such reporting should mention as well own initiative measures taken to ensure pluralism on the platform.*** However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC.⁴⁰

⁴⁰ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Or. en

Amendment 183 Nicola Procaccini

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

Amendment

(40) Providers of hosting services play a ***significant*** role in tackling illegal content ***under existing law***, 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.*

place mechanisms that facilitate the *detection of* illegal content, *especially following a report from a competent national public authority.*

Or. it

Amendment 184 Vladimír Bilčík, Lena Düpont

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

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 *assesses* to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider, *based on its own assessment*, can

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.

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.

Or. en

Amendment 185 Nicola Procaccini

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) ***Where*** a hosting service provider ***decides*** to remove or disable information provided by a recipient of the service, ***for instance*** following receipt of a notice or acting on its own initiative, ***including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision,*** in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. ***That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions.*** Available recourses to challenge the decision of the hosting service provider should always include

Amendment

(42) A hosting service provider ***should not decide by itself*** to remove or disable information provided by a recipient of the service, ***either*** following receipt of a notice or acting on its own initiative, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression, ***unless the content is manifestly illegal and related to serious crimes. Even in the latter case,*** available recourses to challenge the decision of the hosting service provider should always include judicial redress.

judicial redress.

Or. it

Amendment 186

Patrick Breyer

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, ***including through the use of automated means***, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Amendment

(42) Where a hosting service provider decides to remove or disable ***or restrict proposals by recommender systems of*** information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress. ***The restriction of proposals by recommender systems can take place, for example, by practices of 'shadow-banning' content.***

Or. en

Amendment 187

Maite Pagazaurtundúa, Fabienne Keller

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Amendment

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should ***prevent the reappearance of the notified illegal information. The provider should also*** inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Or. en

Amendment 188

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and

Amendment

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means ***that have been proven to be efficient, proportionate and accurate***, that provider

the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Or. en

Amendment 189
Beata Kempa, Patryk Jaki

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available

Amendment

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means ***after human verification of such notice***, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the

recourses to challenge the decision of the hosting service provider should always include judicial redress.

applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Or. en

Amendment 190
Annalisa Tardino

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Amendment

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision ***in a clear and user-friendly manner***, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Or. en

Amendment 191
Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated *means*, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Amendment

(42) Where a hosting service provider decides to remove or disable **access to** information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated **tools**, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.

Or. en

Amendment 192

Patrick Breyer

Proposal for a regulation

Recital 42 a (new)

Text proposed by the Commission

Amendment

(42 a) When moderating content, mechanisms voluntarily employed by platforms should not lead to ex-ante control measures based on automated tools or upload-filtering of content. Automated tools are currently unable to differentiate illegal content from content that is legal in a given context and therefore routinely result in overblocking

legal content. Human review of automated reports by service providers or their contractors does not fully solve this problem, especially if it is outsourced to private staff that lack sufficient independence, qualification and accountability. Ex-ante control should be understood to mean making publishing subject to an automated decision. Filtering automated content submissions such as spam should be permitted. Where automated tools are otherwise used for content moderation the provider should ensure human review and the protection of legal content.

Or. en

Amendment 193
Annalisa Tardino

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes. In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, *by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner.* The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the

Amendment

(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal *clear and user-friendly information about redress procedure and* complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes. *Recipients should be entitled to seek redress in the same language of the content that was referred to the internal complaint-handling system.* In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems. The possibilities to contest decisions of online platforms thus created should complement,

possibility to seek judicial redress in accordance with the laws of the Member State concerned.

yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.

Or. en

Amendment 194
Nicola Procaccini

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 **content that is** illegal **under existing law** can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by **the national authorities responsible are followed up immediately. Such authorities must be solely** 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').

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.⁴³.

⁴³ *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. it

Amendment 195
Beata Kempa, Patryk Jaki

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

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 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-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.⁴³

⁴³ 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

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. 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 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.⁴³

⁴³ 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

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-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,

Amendment

(46) Action against illegal content **involving minors** can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by **children rights** 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 **children rights** 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 **protecting minors**, 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-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on **children rights** 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

in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.⁴³

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.⁴³

⁴³ 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

⁴³ 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 197

Tomas Tobé

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,

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, ***depending on the severity of the illegal activity*** 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

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-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.⁴³

⁴³ 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

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-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.⁴³

⁴³ 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 198

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation

Recital 46

(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-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.⁴³

(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 **for instance**, 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-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.⁴³

⁴³ 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

⁴³ 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 199
Sylvie Guillaume

Proposal for a regulation
Recital 46 a (new)

Text proposed by the Commission

Amendment

(46a) It will also be possible to better guarantee that service providers respect freedom of expression and information if the trusted flaggers can also bring or support an action against a content notice or a moderation operation, such an action being assessed as a priority. The trusted flaggers can submit their cases to platforms' internal systems for handling complaints, take action via extra-judicial dispute settlement mechanisms and ultimately go through the courts to contest a decision by the platforms.

Or. fr

Amendment 200
Nicola Procaccini

Proposal for a regulation
Recital 47

Text proposed by the Commission

Amendment

(47) The misuse of services of online

(47) The misuse of services of online

platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. ***Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms.*** Redress should always be open to the decisions taken ***in this regard*** by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should ***not*** prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Redress should always be open to the decisions taken by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

Or. it

Amendment 201

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa, Anna Júlia Donáth

Proposal for a regulation

Recital 47

Text proposed by the Commission

(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate **and** proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable

Amendment

(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate, proportionate **and reliable** safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in

Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

Or. en

Amendment 202

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council⁴⁴. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement

Amendment

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council⁴⁴ ***or in Directive 2017/571 of the European Parliament and the Council.*** In such instances, the online platform should inform without delay the competent law enforcement authorities ***or Europol in cases where the competent law enforcement authority cannot easily be identified,*** of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences

authorities.

by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

⁴⁴ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

⁴⁴ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. en

Amendment 203

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa, Anna Júlia Donáth

Proposal for a regulation

Recital 48

Text proposed by the Commission

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council⁴⁴. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content

Amendment

(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, ***notably when it concerns vulnerable users such as children***, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council⁴⁴. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant

in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

⁴⁴ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.

⁴⁴ Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).

Or. en

Amendment 204

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans

Proposal for a regulation Recital 48 a (new)

Text proposed by the Commission

Amendment

(48 a) In order to prevent situations such as the one which led to the murder of Samuel Paty, where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall remove or disable the content and promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.^{1a}

1^a 1a Samuel Paty, a French history teacher, was assassinated outside the Bois d'Aulne secondary school near Paris on October 16, 2020, following an online hate campaign after he had taught students about freedom of expression and blasphemy

Or. en

Amendment 205
Beata Kempa, Patryk Jaki

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online platforms allowing consumers to conclude distance contracts with traders should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the online platform, including for purposes of promoting messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online platforms should store all information in a secure manner for a reasonable period of time ***that does not exceed what is necessary***, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

Amendment

(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online platforms allowing consumers to conclude distance contracts with traders should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the online platform, including for purposes of promoting messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online platforms should store all information in a secure manner for a reasonable period of time ***but not less than 6 months***, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.

Amendment 206**Paul Tang****Proposal for a regulation****Recital 50***Text proposed by the Commission*

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System⁴⁵, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online platforms covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online platforms, which have made the reasonable efforts required by this Regulation, ***be understood as guaranteeing the reliability of the information towards consumer or other interested parties.*** Such online platforms should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council⁴⁶, Article 7 of Directive 2005/29/EC of the European

Amendment

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered should make reasonable efforts to verify the reliability, ***validity and completeness*** of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System⁴⁵, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online platforms covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online platforms, which have made the reasonable efforts required by this Regulation ***to only allow legitimate traders on their online interfaces.*** Such online platforms should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council⁴⁶, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council⁴⁷ and Article

Parliament and of the Council⁴⁷ and Article 3 of Directive 98/6/EC of the European Parliament and of the Council⁴⁸ .

45

https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en

⁴⁶ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

⁴⁷ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

⁴⁸ Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

3 of Directive 98/6/EC of the European Parliament and of the Council⁴⁸ .

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https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en

⁴⁶ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

⁴⁷ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')

⁴⁸ Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

Or. en

Amendment 207

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Recital 52

Text proposed by the Commission

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the

Amendment

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the

services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The ***parameters shall include, if applicable, the optimisation goal selected by the advertiser, information on the use of custom lists and in such case – the category and source of personal data uploaded to the online platform and the legal basis for uploading this personal data pursuant to Regulation (EU) 2016/679, information on the use of lookalike audiences and in such case – relevant information on the seed audience and an explanation why the recipient of the advertisement has been determined to be part of the lookalike audience, meaningful information about the online platform’s algorithms or other tools used to optimise the delivery of the advertisement, including a specification of the optimisation goal and a meaningful explanation of reasons why the online platform has decided that the optimisation goal can be achieved by displaying the advertisement to this recipient.*** The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the

application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

Or. en

Amendment 208

Paul Tang

Proposal for a regulation

Recital 52

Text proposed by the Commission

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement **can contribute** to significant risks, ranging from advertisement that is itself illegal content, **to** contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, **or** the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to

Amendment

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement **contributes** to significant risks, ranging from advertisement that is itself illegal content, contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens, **to intervening with individual fundamental rights, such as respect for privacy and data protection**. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should

them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, ***in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising***. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

Or. en

Amendment 209

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa, Anna Júlia Donáth

Proposal for a regulation Recital 52

Text proposed by the Commission

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service

Amendment

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service

have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have ***an easy access to*** information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

Or. en

Amendment 210

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa, Anna Júlia Donáth

Proposal for a regulation

Recital 53

Text proposed by the Commission

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific

Amendment

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific

obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no alternative and less restrictive measures that would effectively achieve the same result.

obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns ***specifically regarding disinformation, misinformation, hate speech or any other types of harmful content***. There being no alternative and less restrictive measures that would effectively achieve the same result.

Or. en

Amendment 211

Tomas Tobé

Proposal for a regulation

Recital 53

Text proposed by the Commission

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no alternative and less restrictive measures that would effectively achieve the same result.

Amendment

(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no ***proportionate*** alternative and less restrictive measures that would effectively achieve the same result.

Or. en

Amendment 212

Paul Tang

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models **and can** cause societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very large online platforms should therefore assess the systemic risks stemming from the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.

Amendment

(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models **which is likely to** cause societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very large online platforms should therefore assess the systemic risks stemming from the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.

Or. en

Amendment 213

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation

Recital 56

Text proposed by the Commission

(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very

Amendment

(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause **real** societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very

large online platforms should therefore assess the systemic risks stemming from the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.

large online platforms should therefore assess the systemic risks stemming from the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.

Or. en

Amendment 214

Clare Daly

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive

Amendment

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content **and activities**, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including **unsafe and** counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through **advertising, recommender systems or through** accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, **freedoms and principles** as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, **the right to protection of personal data**, the right to non-discrimination and the rights of the child.

notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech, ***circumventing applicable laws*** or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of ***citizens including*** minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Or. en

Amendment 215

Beata Kempa, Patryk Jaki

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal

Amendment

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal

responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression *access to* and information, *the freedom and pluralism of the media*, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform, *to restrictions on access to content under professional editorial responsibility*, or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Or. en

Amendment 216

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech **or** hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, **civic discourse**, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated

Amendment

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech, hampering competition **or the way platforms' terms and conditions including content moderation policies, are enforced, including through automatic means**. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, **fundamental rights**, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial

behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Or. en

Amendment 217

Paul Tang

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination **and** the rights of the child. Such risks may arise, for example, in relation to the design

Amendment

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through **advertising, recommender systems or through** accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to **data protection, the right to** non-discrimination,

of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

the rights of the child ***and consumer protection***. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Or. en

Amendment 218
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Recital 57

Text proposed by the Commission

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal

Amendment

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal

responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a *significant* systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of *fundamental rights, as protected by the Charter of Fundamental Rights, including the* freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of *the* fundamental rights *to* freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on *public* health, *education*, civic discourse, electoral processes, public *safety and* security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Or. en

Amendment 219

Clare Daly

Proposal for a regulation

Recital 58

(58) *Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.* **deleted**

Or. en

Amendment 220
Jorge Buxadé Villalba

Proposal for a regulation
Recital 58

Text proposed by the Commission

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures ***consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and*** limit the dissemination of illegal content, ***adapting their decision-making processes, or adapting their terms and conditions.*** They may also include ***corrective*** measures, such as ***discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative*** information sources. Very large online platforms may ***reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and*** cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions

Amendment

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures ***adopt measures to*** limit the dissemination of illegal content. They may also include ***information*** measures, such as ***identifying the origin and means of financing of*** information sources. Very large online platforms may cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Or. es

Amendment 221
Annalisa Tardino

Proposal for a regulation
Recital 58

Text proposed by the Commission

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. ***They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures.*** Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for

Amendment

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy, ***freedom of expression*** and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and

mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Or. en

Amendment 222

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 58

Text proposed by the Commission

(58) Very large online platforms should deploy **the** necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms **may** reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They **may also** initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and

Amendment

(58) Very large online platforms should deploy necessary **and proportionate** means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as **labelling of content shared by bots or removing fake accounts**, improving the visibility of authoritative information sources **and offering corrections whenever possible**. Very large online platforms **are asked to** reinforce their internal processes or supervision of any of their activities, in particular as regards the detection **and resolution** of systemic risks. They **are asked to** initiate

cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, ***taking due account of potential*** negative effects on the fundamental rights of the recipients of the service.

or increase cooperation with trusted flaggers ***and independent fact-checkers***, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, ***with a view to limiting the*** negative effects on the fundamental rights of ***all parties involved, notably*** the recipients of the service.

Or. en

Amendment 223

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa, Anna Júlia Donáth

Proposal for a regulation

Recital 58

Text proposed by the Commission

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include

Amendment

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions ***as well as making content***

corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

moderation policies, as well as the way they are enforced fully transparent for the users. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Or. en

Amendment 224

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Recital 58

Text proposed by the Commission

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online

Amendment

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online

platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms *may* reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They *may* also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms *should* reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They *should* also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Or. en

Amendment 225
Paul Tang

Proposal for a regulation

Recital 58

Text proposed by the Commission

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures ***consider***, for example, enhancing or otherwise adapting the design and functioning of their content moderation, ***algorithmic*** recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue ***for specific content***, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Amendment

(58) Very large online platforms should deploy the necessary means to diligently ***and effectively*** mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures ***include***, for example, enhancing or otherwise adapting the design and functioning of their content moderation, ***algorithms***, recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Or. en

Amendment 226
Annalisa Tardino

Proposal for a regulation
Recital 59

Text proposed by the Commission

Amendment

(59) Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. *deleted*

Or. en

Amendment 227
Clare Daly

Proposal for a regulation
Recital 60

Text proposed by the Commission

Amendment

(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaken pursuant to codes of conduct and crises protocols. They should give the auditor access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing *deleted*

their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.

Or. en

Amendment 228

Paul Tang

Proposal for a regulation

Recital 60

Text proposed by the Commission

(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaking pursuant to codes of conduct and crises protocols. They should give the auditor access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.

Amendment

(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, ***including*** through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaking pursuant to codes of conduct and crises protocols. They should give the auditor access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. ***Online platforms should not be able to use confidentiality of trade secrets as reasons to refuse access to relevant information that auditors need to perform their tasks.*** Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy

manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.

Or. en

Amendment 229

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation Recital 60

Text proposed by the Commission

(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaking pursuant to codes of conduct and crises protocols. They should give the auditor access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.

Amendment

(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaking pursuant to codes of conduct and crises protocols. They should give the auditor access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate, *efficient* and trustworthy manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.

Or. en

Amendment 230

Clare Daly

Proposal for a regulation
Recital 61

Text proposed by the Commission

Amendment

(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken.

deleted

Or. en

Amendment 231
Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 61

Text proposed by the Commission

(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken.

Amendment

(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. ***Where applicable, the report should include a description of specific elements that could not be audited, and an explanation of why these could not be audited.*** A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken. ***Where the audit opinion could not reach a conclusion for specific elements within the scope of the audit, a statement of reasons for the failure to reach such a conclusive opinion should***

be added.

Or. en

Amendment 232
Annalisa Tardino

Proposal for a regulation
Recital 61

Text proposed by the Commission

(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. ***The report should be transmitted to the Digital Services Coordinator of establishment and the Board without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations.*** The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments

Amendment

(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken.

undertaken.

Or. en

Amendment 233

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 62

Text proposed by the Commission

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients *enjoy* alternative options for the main parameters, including options that are not based on profiling of the recipient.

Amendment

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients *have* alternative options for the main parameters, including ***a visible, user-friendly and readily available option to turn off algorithmic selection within the recommender system entirely and*** options that are not based on profiling of the recipient.

Or. en

Amendment 234
Paul Tang

Proposal for a regulation
Recital 62

Text proposed by the Commission

(62) A core part of **a very large** online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, **very large** online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.

Amendment

(62) A core part of **many** online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient **and that they do not process personal data across devices or combine citizens' personal data across online interfaces.**

Or. en

Justification

In line with the EDPS Opinion on the Digital Services Act.

Amendment 235
Beata Kempa, Patryk Jaki

Proposal for a regulation
Recital 62

Text proposed by the Commission

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.

Amendment

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient ***and that those options are used by default***

Or. en

Amendment 236
Rob Rooken

Proposal for a regulation
Recital 62 a (new)

Text proposed by the Commission

Amendment

(62a) Given that very large online platforms play an essential role in the provision of information to consumers, their general terms and conditions should not restrict fundamental rights, in particular the right to freedom of expression, beyond the limits of the law. Nevertheless, they must be able to give users the option of not viewing certain content, although this decision must always lie with the user and never be promoted by any of the very large online platforms. The latter must ensure at all times that a 'full free speech' mode is available to all adult users, enabling them to view all content that cannot be considered manifestly illegal, in accordance with the laws of the various Member States.

Or. nl

Amendment 237
Rob Rooken

Proposal for a regulation
Recital 62 b (new)

Text proposed by the Commission

Amendment

(62b) It must be possible to hold very large online platforms accountable for improperly removing content or restricting user access and they should accordingly be liable to pay a minimum amount in damages for so doing. This will increase the willingness of the public to ascertain whether certain content is illegal or protected by freedom of expression, not to mention encouraging very large online platforms to exercise caution when removing content.

Amendment 238

Rob Rooken

Proposal for a regulation

Recital 62 c (new)

Text proposed by the Commission

Amendment

(62c) Given the imbalance between consumers and the very large online platforms, especially regarding legal expertise and financial resources, it is only fair for Member States to establish a freedom of speech procedure, facilitating the fully digital presentation by users to a judicial authority in their Member State of content removed by one of the very large online platforms. The latter have the technical means to forward deleted content to the judicial authority in question at the touch of a button. The judicial authority must then decide as soon as possible, but within no more than three working days, whether the deleted content is manifestly illegal. If the content is not manifestly illegal, the very large online platform must immediately place the content back online and compensate the user no later than seven working days after the latter has provided all information necessary for settlement of the damages. Within 14 days of the decision of the national legal authority, the very large online platform must ensure that action is taken to remedy the infringement. It must incorporate the decisions of the national judicial authorities into the algorithms they use to assess, where necessary, whether content should be deleted.

Or. nl

Amendment 239

Proposal for a regulation
Recital 64

Text proposed by the Commission

Amendment

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service. *deleted*

Or. en

Proposal for a regulation
Recital 64

Text proposed by the Commission

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

Amendment

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment, ***the Digital Services Coordinators of destination*** or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted ***scientific*** researchers ***meeting specific requirements, for the sole purpose of conducting research that contributes to the identification, understanding and mitigation of systemic risks***. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate ***public and private*** interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including

the recipients of the service. ***The vetted researchers should be required to make the results of their research publicly available, taking into account the rights and interests of the recipients of the service concerned, notably under Regulation (EU) 2016/679.***

Or. en

Amendment 241

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation

Recital 64

Text proposed by the Commission

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to

Amendment

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms, ***such as the dissemination of illegal and harmful content***, brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted

data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

Or. en

Amendment 242
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Recital 64

Text proposed by the Commission

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted

Amendment

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted

researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

researchers. All requirements for access to data under that framework should be proportionate, ***reported per individual Member State*** and appropriately protect the rights and legitimate ***public and private*** interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

Or. en

Amendment 243
Annalisa Tardino

Proposal for a regulation
Recital 65

Text proposed by the Commission

(65) Given the complexity of the functioning of the systems deployed and the systemic risks they present to society, very large online platforms should appoint compliance officers, which should have the necessary qualifications to operationalise measures and monitor the compliance with this Regulation within the platform's organisation. Very large online platforms should ensure that the compliance officer is involved, properly and in a timely manner, in all issues which relate to this Regulation. In view of the additional risks relating to their activities and their additional obligations under this Regulation, the other transparency requirements set out in this Regulation should be complemented by additional transparency requirements applicable specifically to very large online platforms, notably to report on the risk assessments performed and subsequent measures adopted as provided by this Regulation.

Amendment

(65) Given the complexity of the functioning of the systems deployed and the systemic risks they present to society, very large online platforms should appoint compliance officers, which should have the necessary qualifications to operationalise measures and monitor the compliance with this Regulation within the platform's organisation. ***Compliance officers should be provided with dedicated training on the applicable legal framework to protect freedom of expression.*** Very large online platforms should ensure that the compliance officer is involved, properly and in a timely manner, in all issues which relate to this Regulation. In view of the additional risks relating to their activities and their additional obligations under this Regulation, the other transparency requirements set out in this Regulation should be complemented by additional transparency requirements applicable specifically to very large online platforms, notably to report on the risk assessments performed and subsequent measures adopted as provided by this Regulation. ***The provider shall ensure that especially decisions on notices are processed by***

qualified staff provided with dedicated training on the applicable legal framework to protect freedom of expression.

Or. en

Amendment 244
Patrick Breyer

Proposal for a regulation
Recital 65 a (new)

Text proposed by the Commission

Amendment

(65 a) Minimum interoperability requirements for very large online platforms can create new opportunities for the development of innovative services, overcome the lock-in effect of closed platforms and ensure competition and user choice. These requirements should allow for cross-platform interaction by recipients. Very large online platforms should provide an application programming interface through which third-party platforms and their recipients can interoperate with the main functionalities and recipients of the platform. Among the main functionalities can be the ability to receive information from certain accounts, to share provided content and react to it. The interoperability requirements do not prevent platforms from offering additional and new functions to their recipients.

Or. en

Justification

Recital to explain Article 33a on Interoperability as proposed in the Draft Opinion.

Amendment 245
Clare Daly

Proposal for a regulation
Recital 67

Text proposed by the Commission

Amendment

(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.

deleted

Or. en

Amendment 246

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation
Recital 67

Text proposed by the Commission

Amendment

(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain

(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation, *and encourage online platforms to follow those codes*. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide

circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.

whether to participate. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.

Or. en

Amendment 247
Annalisa Tardino

Proposal for a regulation
Recital 68

Text proposed by the Commission

Amendment

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's

deleted

invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.

Or. en

Amendment 248

Clare Daly

Proposal for a regulation

Recital 68

Text proposed by the Commission

Amendment

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by

deleted

Amendment 249

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa, Anna Júlia Donáth

Proposal for a regulation

Recital 68

Text proposed by the Commission

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another *area for consideration* is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.

Amendment

(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another *aspect which needs to be considered* is the possible negative impacts of systemic risks on society and democracy, such as disinformation, *harmful content, in particular hate speech*, or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.

Amendment 250
Clare Daly

Proposal for a regulation
Recital 69

Text proposed by the Commission

Amendment

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan.

deleted

Or. en

Amendment 251
Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation
Recital 69

Text proposed by the Commission

Amendment

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission *will issue* guidance for strengthening the Code of practice on disinformation as announced in the

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, *since* the Commission *has issued* guidance for strengthening the Code of practice on disinformation as announced in

Amendment 252

Clare Daly

Proposal for a regulation

Recital 71

Text proposed by the Commission

Amendment

(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of crisis protocols to coordinate a rapid, collective and cross-border response in the online environment. Extraordinary circumstances may entail any unforeseeable event, such as earthquakes, hurricanes, pandemics and other serious cross-border threats to public health, war and acts of terrorism, where, for example, online platforms may be misused for the rapid spread of illegal content or disinformation or where the need arises for rapid dissemination of reliable information. In light of the important role of very large online platforms in disseminating information in our societies and across borders, such platforms should be encouraged in drawing up and applying specific crisis protocols. Such crisis protocols should be activated only for a limited period of time and the measures adopted should also be limited to what is strictly necessary to address the extraordinary circumstance. Those measures should be consistent with this Regulation, and should not amount to a general obligation for the participating very large online platforms to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content.

deleted

Amendment 253

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation**Recital 71***Text proposed by the Commission*

(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of crisis protocols to coordinate a rapid, collective and cross-border response in the online environment. Extraordinary circumstances may entail any unforeseeable event, such as earthquakes, hurricanes, pandemics and other serious cross-border threats to public health, war and acts of terrorism, where, for example, online platforms may be misused for the rapid spread of illegal content or disinformation or where the need arises for rapid dissemination of reliable information. In light of the important role of very large online platforms in disseminating information in our societies and across borders, such platforms should be encouraged in drawing up and applying specific crisis protocols. Such crisis protocols should be activated only for a limited period of time and the measures adopted should also be limited to what is strictly necessary to address the extraordinary circumstance. Those measures should be consistent with this Regulation, and should not amount to a general obligation for the participating very large online platforms to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content.

Amendment

(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of crisis protocols to coordinate a rapid, collective and cross-border response in the online environment ***in the public interest***. Extraordinary circumstances may entail any unforeseeable event, such as earthquakes, hurricanes, pandemics and other serious cross-border threats to public health, war and acts of terrorism, where, for example, online platforms may be misused for the rapid spread of illegal content or disinformation or where the need arises for rapid dissemination of reliable information. In light of the important role of very large online platforms in disseminating information in our societies and across borders, such platforms should be encouraged in drawing up and applying specific crisis protocols. Such crisis protocols should be activated only for a limited period of time and the measures adopted should also be limited to what is strictly necessary to address the extraordinary circumstance. Those measures should be consistent with this Regulation, and should not amount to a general obligation for the participating very large online platforms to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content.

Amendment 254
Anna Júlia Donáth

Proposal for a regulation
Recital 75

Text proposed by the Commission

(75) Member States can designate an existing national authority with the function of the Digital Services Coordinator, or with specific tasks to apply and enforce this Regulation, provided that any such appointed authority complies with the requirements laid down in this Regulation, such as in relation to its independence. Moreover, Member States are in principle not precluded from merging functions within an existing authority, in accordance with Union law. The measures to that effect may include, inter alia, the preclusion to dismiss the President or a board member of a collegiate body of an existing authority before the expiry of their terms of office, on the sole ground that an institutional reform has taken place involving the merger of different functions within one authority, in the absence of any rules guaranteeing that such dismissals do not jeopardise the independence and impartiality of such members.

Amendment

(75) Member States can designate an existing national authority with the function of the Digital Services Coordinator, or with specific tasks to apply and enforce this Regulation, provided that any such appointed authority complies with the requirements laid down in this Regulation, such as in relation to its independence. Moreover, Member States are in principle not precluded from merging functions within an existing authority, in accordance with Union law. ***They should however refrain from designating the same authorities as those designated pursuant to article 30 of the Audio Visual Media Services Directive in order to avoid providing one single institution with the authority to shape the Member State's entire media landscape and online space.*** The measures to that effect may include, inter alia, the preclusion to dismiss the President or a board member of a collegiate body of an existing authority before the expiry of their terms of office, on the sole ground that an institutional reform has taken place involving the merger of different functions within one authority, in the absence of any rules guaranteeing that such dismissals do not jeopardise the independence and impartiality of such members.

Or. en

Amendment 255
Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Recital 76

Text proposed by the Commission

(76) In the absence of a general requirement for providers of intermediary services to ensure a physical presence within the territory of one of the Member States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle of ne bis in idem is respected. To that aim, each Member State that exercises jurisdiction in respect of such providers should, without undue delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction.

Amendment

(76) In the absence of a general requirement for providers of intermediary services to ensure a physical presence within the territory of one of the Member States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle of ne bis in idem is respected. To that aim, each Member State that exercises jurisdiction in respect of such providers should, without undue delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction. ***In addition in order to ensure effective protection of fundamental rights of EU citizens that take into account diverse national law sand difference in socio-cultural context between countries, a Member State shall exercise jurisdiction where it concerns very large online platforms which offer services to a significant number of recipients in a given Member State. Member States jurisdiction is particularly important in***

case of very large online platforms which are social media because they play a central role in facilitating the public debate

Or. en

Amendment 256
Clare Daly

Proposal for a regulation
Recital 79

Text proposed by the Commission

(79) In the course of the exercise of those powers, the competent authorities should comply with the applicable national rules regarding procedures and matters such as the need for a prior judicial authorisation to enter certain premises and legal professional privilege. Those provisions should in particular ensure respect for the fundamental rights to an effective remedy and to a fair trial, including the rights of defence, and, the right to respect for private life. ***In this regard, the guarantees provided for in relation to the proceedings of the Commission pursuant to this Regulation could serve as an appropriate point of reference.*** A prior, fair and impartial procedure should be guaranteed before taking any final decision, including the right to be heard of the persons concerned, and the right to have access to the file, while respecting confidentiality and professional and business secrecy, as well as the obligation to give meaningful reasons for the decisions. This should not preclude the taking of measures, however, in duly substantiated cases of urgency and subject to appropriate conditions and procedural arrangements. The exercise of powers should also be proportionate to, inter alia the nature and the overall actual or potential harm caused by the infringement or suspected infringement.

Amendment

(79) In the course of the exercise of those powers, the competent authorities should comply with the applicable national rules regarding procedures and matters such as the need for a prior judicial authorisation to enter certain premises and legal professional privilege. Those provisions should in particular ensure respect for the fundamental rights to an effective remedy and to a fair trial, including the rights of defence, and, the right to respect for private life. A prior, fair and impartial procedure should be guaranteed before taking any final decision, including the right to be heard of the persons concerned, and the right to have access to the file, while respecting confidentiality and professional and business secrecy, as well as the obligation to give meaningful reasons for the decisions. This should not preclude the taking of measures, however, in duly substantiated cases of urgency and subject to appropriate conditions and procedural arrangements. The exercise of powers should also be proportionate to, inter alia the nature and the overall actual or potential harm caused by the infringement or suspected infringement. The competent authorities should in principle take all relevant facts and circumstances of the case into account, including information gathered by competent authorities in other

The competent authorities should in principle take all relevant facts and circumstances of the case into account, including information gathered by competent authorities in other Member States.

Member States.

Or. en

Amendment 257

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Recital 84

Text proposed by the Commission

(84) The Digital Services Coordinator should regularly publish a report on the activities carried out under this Regulation. Given that the Digital Services Coordinator is also made aware of orders to take action against illegal content or to provide information regulated by this Regulation through the common information sharing system, the Digital Services Coordinator should include in its annual report the number and categories of these orders addressed to providers of intermediary services issued by judicial and administrative authorities in its Member State.

Amendment

(84) The Digital Services Coordinator should regularly publish a report on the activities carried out under this Regulation. Given that the Digital Services Coordinator is also made aware of orders to take action against illegal content or to provide information regulated by this Regulation through the common information sharing system, the Digital Services Coordinator should include in its annual report the number and categories of these orders addressed to providers of intermediary services issued by judicial, ***law enforcement*** and administrative authorities in its Member State.

Or. en

Amendment 258

Clare Daly

Proposal for a regulation

Recital 85

Text proposed by the Commission

(85) Where a Digital Services Coordinator requests another Digital Services Coordinator to take action, the

Amendment

(85) Where a Digital Services Coordinator requests another Digital Services Coordinator to take action, the

requesting Digital Services Coordinator, or the Board in case it issued a recommendation to assess issues involving more than three Member States, should be able to refer the matter to the Commission in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. The Commission, on the basis of the information made available by the concerned authorities, should accordingly be able to request the competent Digital Services Coordinator to re-assess the matter and take the necessary measures to ensure compliance within a defined time period. This possibility is without prejudice to the Commission's general duty to oversee the application of, and where necessary enforce, Union law under the control of the Court of Justice of the European Union in accordance with the Treaties. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the **Commission's** intervention under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform

requesting Digital Services Coordinator, or the Board in case it issued a recommendation to assess issues involving more than three Member States, should be able to refer the matter to the Commission in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. The Commission, on the basis of the information made available by the concerned authorities, should accordingly be able to request the competent Digital Services Coordinator to re-assess the matter and take the necessary measures to ensure compliance within a defined time period. This possibility is without prejudice to the Commission's general duty to oversee the application of, and where necessary enforce, Union law under the control of the Court of Justice of the European Union in accordance with the Treaties. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the **Board's** intervention under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform

Or. en

Amendment 259

Clare Daly

Proposal for a regulation

Recital 87

Text proposed by the Commission

(87) In view of the particular challenges that may emerge in relation to assessing and ensuring a very large online platform's compliance, for instance relating to the scale or complexity of a suspected infringement or the need for particular expertise or capabilities at Union level, Digital Services Coordinators should have the possibility to request, **on a voluntary**

Amendment

(87) In view of the particular challenges that may emerge in relation to assessing and ensuring a very large online platform's compliance, for instance relating to the scale or complexity of a suspected infringement or the need for particular expertise or capabilities at Union level, Digital Services Coordinators should have the possibility to request **the Board to**

basis, the Commission to intervene and exercise its investigatory and enforcement powers under this Regulation.

intervene and exercise its investigatory and enforcement powers under this Regulation.

Or. en

Amendment 260

Clare Daly

Proposal for a regulation

Recital 89

Text proposed by the Commission

(89) The Board should contribute to achieving a common *Union perspective on the* consistent application of this Regulation and to cooperation among competent authorities, including by advising *the Commission and* the Digital Services Coordinators about appropriate investigation and enforcement measures, in particular vis à vis very large online platforms. The Board should also contribute to the drafting of relevant templates and codes of conduct and analyse emerging general trends in the development of digital services in the Union.

Amendment

(89) The Board should contribute to achieving a common *and* consistent *Union* application of this Regulation and to cooperation among competent authorities, including by advising the Digital Services Coordinators about appropriate investigation and enforcement measures, in particular vis à vis very large online platforms. The Board should also contribute to the drafting of relevant templates and codes of conduct and analyse emerging general trends in the development of digital services in the Union.

Or. en

Amendment 261

Clare Daly

Proposal for a regulation

Recital 90

Text proposed by the Commission

(90) For that purpose, the Board should be able to adopt opinions, requests and recommendations addressed to Digital Services Coordinators or other competent national authorities. *While not legally binding, the decision to deviate therefrom*

Amendment

(90) For that purpose, the Board should be able to adopt *decisions*, opinions, requests and recommendations addressed to Digital Services Coordinators or other competent national authorities.

should be properly explained and could be taken into account by the Commission in assessing the compliance of the Member State concerned with this Regulation.

Or. en

Amendment 262

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Recital 91

Text proposed by the Commission

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

Amendment

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, **competition**, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

Or. en

Amendment 263

Clare Daly

Proposal for a regulation

Recital 92

Text proposed by the Commission

(92) The Commission, ***through the Chair***, should participate in the Board without voting rights. ***Through the Chair, the Commission should ensure that the agenda of the meetings is set in accordance with the requests of the members of the Board as laid down in the rules of procedure and in compliance with the duties of the Board laid down in this Regulation.***

Amendment

(92) The Commission should participate in the Board without voting rights.

Or. en

Amendment 264
Clare Daly

Proposal for a regulation
Recital 96

Text proposed by the Commission

(96) Where the infringement of the provision that solely applies to very large online platforms is not effectively addressed by that platform pursuant to the action plan, only the ***Commission may***, on its own initiative or upon ***advice of the Board***, decide to further investigate the infringement concerned and the measures that the platform has subsequently taken, to the exclusion of the Digital Services Coordinator of establishment. After having conducted the necessary investigations, the ***Commission*** should be able to issue decisions finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. It should also have such a possibility to intervene in cross-border situations where the Digital Services Coordinator of establishment did not take any measures despite the ***Commission's*** request, or in situations where the Digital Services Coordinator of establishment itself requested for the Commission to intervene, in respect of an infringement of any other

Amendment

(96) Where the infringement of the provision that solely applies to very large online platforms is not effectively addressed by that platform pursuant to the action plan, only the ***Board shall***, on its own initiative or upon ***request***, decide to further investigate the infringement concerned and the measures that the platform has subsequently taken, to the exclusion of the Digital Services Coordinator of establishment. After having conducted the necessary investigations, the ***Board*** should be able to issue decisions finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. It should also have such a possibility to intervene in cross-border situations where the Digital Services Coordinator of establishment did not take any measures despite the ***Board's*** request, or in situations where the Digital Services Coordinator of establishment itself requested for the Commission to intervene, in respect of an infringement of any other provision of this Regulation

provision of this Regulation committed by a very large online platform.

committed by a very large online platform.

Or. en

Amendment 265
Clare Daly

Proposal for a regulation
Recital 97

Text proposed by the Commission

(97) ***The Commission should remain free to decide whether or not it wishes to intervene in any of the situations where it is empowered to do so under this Regulation.*** Once the **Commission** initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory and enforcement powers in respect of the relevant conduct of the very large online platform concerned, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of ne bis in idem. However, in the interest of effectiveness, those Digital Services Coordinators should not be precluded from exercising their powers either to assist the **Commission**, at its request in the performance of its supervisory tasks, or in respect of other conduct, including conduct by the same very large online platform that is suspected to constitute a new infringement. Those Digital Services Coordinators, as well as the Board and other Digital Services Coordinators where relevant, should **provide the Commission** with all necessary information and assistance to allow it to perform its tasks effectively, ***whilst conversely the Commission should keep them informed on the exercise of its powers as appropriate. In that regard, the Commission should, where appropriate, take account of any relevant assessments***

Amendment

(97) Once the **Board** initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory and enforcement powers in respect of the relevant conduct of the very large online platform concerned, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of ne bis in idem. However, in the interest of effectiveness, those Digital Services Coordinators should not be precluded from exercising their powers either to assist the **Board**, at its request in the performance of its supervisory tasks, or in respect of other conduct, including conduct by the same very large online platform that is suspected to constitute a new infringement. Those Digital Services Coordinators, as well as the Board and other Digital Services Coordinators where relevant, should **be provided** with all necessary information and assistance to allow it to perform its tasks effectively

carried out by the Board or by the Digital Services Coordinators concerned and of any relevant evidence and information gathered by them, without prejudice to the Commission's powers and responsibility to carry out additional investigations as necessary.

Or. en

Amendment 266
Clare Daly

Proposal for a regulation
Recital 98

Text proposed by the Commission

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the **Commission** should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties.

Amendment

(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the **Board** should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and interests of the affected parties.

Or. en

Amendment 267
Clare Daly

Proposal for a regulation
Recital 99

Text proposed by the Commission

(99) In particular, the **Commission** should have access to any relevant documents, data and information necessary to open and conduct investigations and to

Amendment

(99) In particular, the **Board** should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the

monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The **Commission** should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the **Commission** should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The **Commission** should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The **Commission** should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the **Commission's** possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers

compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The **Board** should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the **Board** should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The **Board** should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The **Board** should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the **Board's** possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers

Or. en

Amendment 268

Clare Daly

Proposal for a regulation

Recital 101

Text proposed by the Commission

(101) The very large online platforms concerned and other persons subject to the exercise of the **Commission's** powers whose interests may be affected by a

Amendment

(101) The very large online platforms concerned and other persons subject to the exercise of the **Board's** powers whose interests may be affected by a decision

decision should be given the opportunity of submitting their observations beforehand, and the decisions taken should be widely publicised. While ensuring the rights of defence of the parties concerned, in particular, the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the **Commission** should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that lead up to the decision.

should be given the opportunity of submitting their observations beforehand, and the decisions taken should be widely publicised. While ensuring the rights of defence of the parties concerned, in particular, the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the **Board** should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that lead up to the decision.

Or. en

Amendment 269
Clare Daly

Proposal for a regulation
Recital 102

Text proposed by the Commission

(102) In the interest of effectiveness and efficiency, in addition to the general evaluation of the Regulation, to be performed within five years of entry into force, after the initial start-up phase and on the basis of the first three years of application of this Regulation, the Commission should also perform an evaluation of the activities of the Board and on its structure.

Amendment

deleted

Or. en

Amendment 270
Rob Rooken

Proposal for a regulation
Recital 105

(105) This Regulation respects the fundamental rights recognised by the Charter and the fundamental rights constituting general principles of Union law. Accordingly, this Regulation should be interpreted and applied in accordance with those fundamental rights, ***including*** the freedom of expression and information, as well as the freedom and pluralism of the media. When exercising the powers set out in this Regulation, all public authorities involved should ***achieve, in situations where the relevant*** fundamental rights conflict, ***a fair balance between the*** rights concerned, ***in accordance with the principle of proportionality.***

(105) This Regulation respects the fundamental rights recognised by the Charter and the fundamental rights constituting general principles of Union law. Accordingly, this Regulation should be interpreted and applied in accordance with those fundamental rights, ***especially*** the freedom of expression and information, as well as the freedom and pluralism of the media. When exercising the powers set out in this Regulation, all public authorities involved should ***strike a fair balance between conflicting fundamental rights, while attaching particular weight to freedom of expression, a fundamental right that is one of the cornerstones of a democratic society, something that may not be true of other fundamental rights, notwithstanding their importance. Where*** fundamental rights ***enter into conflict with each other, account must be taken of the applicable case law, especially that established by the European Court of Human Rights and the Member State courts responsible, in determining which shall prevail in any particular case.***

Or. nl

Amendment 271

Rob Rooken

Proposal for a regulation

Recital 106

(106) Since the objective of this Regulation, namely the proper functioning of the internal market and to ensure a safe, predictable and trusted online environment in which the fundamental rights enshrined in the Charter are duly protected, cannot be sufficiently achieved by the Member States because they cannot achieve the necessary harmonisation and cooperation by acting

(106) Since the objective of this Regulation, namely the proper functioning of the internal market and to ensure a ***technologically*** safe, predictable and trusted online environment in which the fundamental rights enshrined in the Charter are duly protected, cannot be sufficiently achieved by the Member States because they cannot achieve the necessary

alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

harmonisation and cooperation by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

Or. nl

Amendment 272

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 1 – paragraph 1 – point c

Text proposed by the Commission

(c) rules on the implementation and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities.

Amendment

(c) rules on the implementation and enforcement of ***the requirements set out in*** this Regulation, including as regards the cooperation of and coordination between the competent authorities.

Or. en

Amendment 273

Jorge Buxadé Villalba

Proposal for a regulation

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Amendment

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected, ***especially the right to freedom of expression and opinion.***

Amendment 274

Rob Rooker

Proposal for a regulation

Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) set out uniform rules for a safe, predictable and trusted online environment, ***where fundamental rights enshrined in the Charter are effectively protected.***

Amendment

(b) set out uniform rules for a ***technologically*** safe, predictable and trusted online environment.

Or. nl

Amendment 275

Rob Rooker

Proposal for a regulation

Article 1 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

(c) ensure that the fundamental rights of each and every individual, in particular the fundamental right to freedom of expression, are effectively protected and can be exercised freely within the limits set by law.

Or. nl

Amendment 276

Tomas Tobé

Proposal for a regulation

Article 1 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) facilitate innovations, support digital transition, encourage economic growth and create a level playing field for

digital services within the internal market.

Or. en

Amendment 277

Clare Daly

Proposal for a regulation

Article 1 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) protect minors making use of services falling under this Regulation.

Or. en

Amendment 278

Clare Daly

Proposal for a regulation

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. This Regulation shall apply to intermediary services provided to recipients of the service ***that have their place of establishment or residence in the Union***, irrespective of the place of establishment of the providers of those services.

3. This Regulation shall apply to intermediary services provided to recipients of the service, irrespective of the place of establishment of the providers of those services.

Or. en

Amendment 279

Clare Daly

Proposal for a regulation

Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. This Regulation shall not apply to

questions relating to information society services covered by Regulation (EU) 2016/679 and Directive 2002/58/EC, including the liability of controllers and processors.

Or. en

Amendment 280

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 1 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) Union law on copyright and related rights;

deleted

Or. en

Justification

Too vague

Amendment 281

Marina Kaljurand

Proposal for a regulation

Article 1 – paragraph 5 – point i a (new)

Text proposed by the Commission

Amendment

(i a) Directive 2002/58/EC.

Or. en

Amendment 282

Marina Kaljurand

Proposal for a regulation

Article 1 – paragraph 5 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

This Regulation shall not apply to matters relating to information society services covered by Regulation (EU) 2016/679 and Directive 2002/58/EC.

Or. en

Amendment 283
Clare Daly

Proposal for a regulation
Article 2 – paragraph 1 – point d – indent 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 284
Annalisa Tardino

Proposal for a regulation
Article 2 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(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;***

(g) ‘illegal content’ means any information ***or*** activity, including the sale of products or provision of services ***which*** is not in compliance with Union law or the ***criminal, administrative or civil legal framework*** of a Member State,

Or. en

Amendment 285
Tomas Tobé

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, including the sale of products or provision of services ***which*** 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 286
Nicola Procaccini

Proposal for a regulation
Article 2 – paragraph 1 – point g – point i (new)

Text proposed by the Commission

Amendment

(i) ***'potentially illegal content' means content the unlawfulness of which is not beyond reasonable doubt, but which contains suspicious indicators;***

Or. it

Amendment 287
Rob Rooker

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

Text proposed by the Commission

Amendment

(ga) ***'manifestly illegal content' means content that can be established beyond reasonable doubt as being contrary to the law; content that includes sexual acts with minors or direct incitement to violence is, in every case, manifestly illegal;***

Or. nl

Amendment 288
Anna Júlia Donáth

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

Text proposed by the Commission

Amendment

(h a) ‘very large online platform’ means a provider of a hosting service 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 289
Paul Tang

Proposal for a regulation
Article 2 – paragraph 1 – point n

Text proposed by the Commission

Amendment

(n) ‘advertisement’ means information designed to promote ***the message*** of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against remuneration specifically for promoting that information;

(n) ‘advertisement’ means information designed to ***directly or indirectly*** promote ***or rank information, products or services*** of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface ***or parts thereof*** against ***direct or indirect*** remuneration specifically for promoting that information, ***product or service***;

Or. en

Amendment 290
Clare Daly

Proposal for a regulation
Article 2 – paragraph 1 – point n

Text proposed by the Commission

(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against remuneration specifically for promoting that information;

Amendment

(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against **direct or indirect** remuneration specifically for promoting that information;

Or. en

Amendment 291

Beata Kempa, Patryk Jaki

Proposal for a regulation

Article 2 – paragraph 1 – point o

Text proposed by the Commission

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

Amendment

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service **which is working under strict human oversight**, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

Or. en

Amendment 292

Paul Tang

Proposal for a regulation

Article 2 – paragraph 1 – point o

Text proposed by the Commission

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a

Amendment

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest, **rank or prioritise** in its online interface specific information, **products or services** to

search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

Or. en

Amendment 293
Clare Daly

Proposal for a regulation
Article 2 – paragraph 1 – point o

Text proposed by the Commission

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

Amendment

(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest, ***rank, prioritise or curate*** in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;

Or. en

Amendment 294
Jorge Buxadé Villalba

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 demotion, disabling of access to, or

Amendment

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content ***in the Member State in which the service is rendered***, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content, such as demotion, disabling of access to, or removal thereof, or the recipients’ ability to

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

provide that information, such as the termination or suspension of a recipient's account;

Or. es

Amendment 295

Paul Tang, Patrick Breyer, Karen Melchior, Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

Targeting of digital advertising

- 1. Providers of information society services shall not collect or process personal data as defined by Regulation (EU) 2016/679 for the purpose of determining the recipients to whom advertisements are displayed.***
- 2. This provision shall not prevent information society services from determining the recipients to whom advertisements are displayed on the basis of contextual information such as keywords, the language setting communicated by the device of the recipient or the geographical region of the recipients to whom an advertisement is displayed.***
- 3. The use of the contextual information referred to in paragraph 2 shall only be permissible if it does not allow for the direct or, by means of combining it with other information, indirect identification of one or more natural persons, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person or persons.***

Amendment 296
Marina Kaljurand

Proposal for a regulation
Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2 a

Digital privacy

Where technically possible, a provider of an information society service shall enable the use of and payment for that service without collecting personal data of the recipient.

A provider of an information society service shall process personal data concerning the use of the service by a recipient only to the extent strictly necessary to enable the recipient to use the service or to charge the recipient for the use of the service. An operator of an online platform shall be allowed to process personal data concerning the use of the service by a recipient for the sole purpose of operating a recommender system if the recipient has given his or her explicit consent, as defined in Article 4(11) of Regulation (EU) 2016/679. Member States shall not require a provider of information society services to retain personal data concerning the use of the service by all recipients.

A provider of an information society service shall have the right to provide and support end-to-end encryption services.

Or. en

Amendment 297
Jorge Buxadé Villalba

Proposal for a regulation
Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) does not select or modify the information contained in the transmission.

Amendment

(c) does not select or modify the information contained in the transmission, ***which includes moderation of non-illegal content in the Member State in which the service is rendered.***

Or. es

Amendment 298
Marina Kaljurand

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Amendment

deleted

Or. en

Amendment 299
Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Amendment

deleted

Or. en

Amendment 300
Clare Daly

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. *This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.*

Amendment

deleted

Or. en

Amendment 301
Beata Kempa, Patryk Jaki

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Amendment

3. This Article shall not affect the possibility for a court or **functionally independent** administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Or. en

Amendment 302
Annalisa Tardino

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member

Amendment

3. This Article shall not affect the possibility for a **national** court or administrative authority, in accordance

States' legal systems, of requiring the service provider to terminate or prevent an infringement.

with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Or. en

Amendment 303
Jorge Buxadé Villalba

Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) the provider does not modify the information;

Amendment

(a) the provider does not modify the information, ***which includes moderation of non-illegal content in the Member State in which the service is rendered;***

Or. es

Amendment 304
Annalisa Tardino

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Amendment

2. This Article shall not affect the possibility for a ***national*** court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Or. en

Amendment 305
Marina Kaljurand

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. This Article shall not affect the possibility for a court ***or administrative authority***, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Amendment

2. This Article shall not affect the possibility for a court, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Or. en

Amendment 306

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) does not have actual knowledge of illegal activity or illegal content ***and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent***; or

Amendment

(a) does not have actual knowledge of illegal activity or illegal content; or

Or. en

Amendment 307

Clare Daly

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) does not have actual knowledge of ***illegal activity or*** illegal content and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent; or

Amendment

(a) does not have actual knowledge of illegal content and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent; or

Or. en

Amendment 308
Annalisa Tardino

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, acts to remove or to disable ***as soon as possible*** access to the illegal content ***in the strict observance of the principle of freedom of expression.***

Or. en

Amendment 309
Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

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, acts expeditiously to remove or to disable access to the illegal content.

Or. en

Amendment 310
Annalisa Tardino

Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. 1a. Without prejudice to specific provisions, set out in Union law or within national administrative or legal frameworks, providers of hosting services shall, upon obtaining actual knowledge or awareness, remove or disable access to illegal content as soon as possible and in any event:

(a) within 24 hours where the illegal content can seriously harm public policy, public security including contents promoting terrorism or public health or seriously harm consumers' health or safety. Such provisions should apply specifically to child sexual abuse material, grooming and cyberbullying.

(b) within 4 days in all other cases;

Where the provider of hosting services cannot comply with the obligation in paragraph 1a on grounds of force majeure or for objectively justifiable technical or operational reasons, it shall, without undue delay, inform the competent authority having issued an order pursuant to Article 8 or the recipient of the service having submitted a notice pursuant to Article 14, of those grounds.

Or. en

Amendment 311

Anna Júlia Donáth, Fabienne Keller

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 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 ***a*** 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 312
Annalisa Tardino

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Amendment

4. This Article shall not affect the possibility for a ***national*** court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Or. en

Amendment 313
Marina Kaljurand

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. This Article shall not affect the possibility for a court ***or administrative authority***, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Amendment

4. This Article shall not affect the possibility for a court, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

Or. en

Amendment 314
Clare Daly

Proposal for a regulation
Article 6

Text proposed by the Commission

Amendment

Article 6

deleted

***Voluntary own-initiative investigations
and legal compliance***

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.

Or. en

**Amendment 315
Marina Kaljurand**

**Proposal for a regulation
Article 6 – title**

Text proposed by the Commission

Amendment

***Voluntary own-initiative investigations
and legal compliance***

Legal compliance

Or. en

**Amendment 316
Marina Kaljurand, Paul Tang**

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

Text proposed by the Commission

Amendment

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***

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 take the ***compulsory*** measures to comply with the requirements of Union law, including those set out in this Regulation.

access to, illegal content, or take the *necessary* measures to comply with the requirements of Union law, including those set out in this Regulation.

Or. en

Amendment 317
Nicola Procaccini

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

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 *reporting content that is illegal under existing law to the national public authorities responsible.*

Or. it

Amendment 318
Vladimír Bilčík, Lena Düpont

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

Amendment

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 *apply* voluntary *measures on their own initiative or carry out* other activities aimed at detecting, identifying, *reporting* and removing, or disabling of access to, illegal content, or take the necessary measures to comply

requirements *of* Union law, including those set out in this Regulation.

with the requirements *set out in national or* Union law, including those set out in this Regulation.

Or. en

Amendment 319

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans

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

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 *or national* law, including those set out in this Regulation.

Or. en

Amendment 320

Tomas Tobé

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

Amendment

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 *take the necessary* voluntary own-initiative investigations *measures* aimed at detecting, identifying and removing, or disabling of access to, illegal content, to comply with the requirements of Union law, including those set out in this

set out in this Regulation.

Regulation.

Or. en

Amendment 321

Marina Kaljurand, Paul Tang

Proposal for a regulation

Article 7 – title

Text proposed by the Commission

No general monitoring **or** active fact-finding obligations

Amendment

No general monitoring, active fact-finding **or automated content moderation** obligations

Or. en

Amendment 322

Clare Daly

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.

Amendment

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.

No provision of this Regulation shall be understood as mandating, requiring or recommending the use of automated decision-making, or the monitoring of the behaviour of a large number of natural persons.

Or. en

Amendment 323

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

No general obligation to monitor the information which providers of intermediary services transmit or store, nor **actively** to seek facts or circumstances indicating illegal activity shall be imposed on those providers.

Amendment

No general obligation, ***neither de jure nor de facto***, to monitor the information which providers of intermediary services transmit or store, nor to seek ***or prevent*** facts or circumstances indicating illegal activity shall be imposed on those providers.

Or. en

Amendment 324
Marina Kaljurand, Paul Tang

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity ***shall be imposed on those providers***.

Amendment

No general obligation ***shall be imposed*** to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity.

Or. en

Amendment 325
Marina Kaljurand, Paul Tang

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Providers of intermediary services shall not be obliged to use automated tools for content moderation.

Or. en

Amendment 326

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7 a

No limitation of anonymity

No general obligation to limit the anonymous or pseudonymous use of their services shall be imposed on providers of intermediary services.

Or. en

Amendment 327

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Olivier Chastel, Sophia in 't Veld

Proposal for a regulation

Article 7 b (new)

Text proposed by the Commission

Amendment

Article 7 b

No limitation of encryption and security

No general obligation to limit the level of their security and encryption measures shall be imposed on providers of intermediary services.

Or. en

Amendment 328

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Olivier Chastel, Sophia in 't Veld

Proposal for a regulation

Article 7 c (new)

Text proposed by the Commission

Amendment

Article 7 c

*No general and indiscriminate retention
of data*

No general obligation to retain personal data of the recipients of their services shall be imposed on providers of intermediary services. Any obligation to retain data shall be limited to what is strictly necessary with respect to the categories of data to be retained, the means of communication affected, the persons concerned and the retention period adopted.

Or. en

Amendment 329

Clare Daly

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

This rule shall apply mutatis mutandis in respect of competent administrative authorities ordering online platforms to act against traders unlawfully promoting or offering products or services in the Union.

Or. en

Amendment 330

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 331

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 332

Annalisa Tardino

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 333
Marina Kaljurand

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Providers of intermediary services shall, upon the receipt, ***via a secure communications channel***, of an ***authenticated*** order to act against a specific item of illegal content, issued by ***a*** national judicial ***authority***, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken.

Or. en

Amendment 334
Jorge Buxadé Villalba

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. es

Amendment 335

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Olivier Chastel, Sophia in 't Veld

Proposal for a regulation

Article 8 – paragraph 2 – point a – introductory part

Text proposed by the Commission

(a) the orders **contains** the following elements:

Amendment

(a) the orders **contain** the following elements:

Or. en

Amendment 336

Marina Kaljurand, Paul Tang

Proposal for a regulation

Article 8 – paragraph 2 – point a – indent 1

Text proposed by the Commission

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

Amendment

— **the identification details of the judicial authority issuing the order and** a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed;

Amendment 337

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 8 – paragraph 2 – point a – indent 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 338

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 8 – paragraph 2 – point a – indent 3

Text proposed by the Commission

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

Amendment

— **user-friendly** information about redress available to the provider of the service and to the recipient of the service who provided the content, **including information about redress to the competent authority, recourse to a court, as well as the deadlines for appeal;**

Or. en

Amendment 339

Annalisa Tardino

Proposal for a regulation

Article 8 – paragraph 2 – point a – indent 3

Text proposed by the Commission

— information about redress available

Amendment

— **clear and user friendly** information

to the provider of the service and to the recipient of the service who provided the content;

about redress *procedure* available to the provider of the service and to the recipient of the service who provided the content;

Or. en

Amendment 340
Marina Kaljurand

Proposal for a regulation
Article 8 – paragraph 2 – point a – indent 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 341
Clare Daly

Proposal for a regulation
Article 8 – paragraph 2 – point a – indent 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 342
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 8 – paragraph 2 – point a – indent 3 a (new)

Text proposed by the Commission

Amendment

- *identification details of the competent authority issuing the order and authentication of the order by that competent authority;*

Or. en

Amendment 343
Annalisa Tardino

Proposal for a regulation
Article 8 – paragraph 2 – point a – indent 3 a (new)

Text proposed by the Commission

Amendment

- *Users should be entitled to seek redress in the same language of the content that was removed,*

Or. en

Amendment 344
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 8 – paragraph 2 – point a – indent 3 b (new)

Text proposed by the Commission

Amendment

- *a reference to the legal basis for the removal order;*

Or. en

Amendment 345
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 8 – paragraph 2 – point a – indent 3 c (new)

Text proposed by the Commission

Amendment

- *the date, time stamp and electronic signature of the competent authority*

issuing the removal order;

Or. en

Amendment 346
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 8 – paragraph 2 – point a – indent 3 d (new)

Text proposed by the Commission

Amendment

- *where necessary and proportionate, the decision not to disclose information about the removal of or disabling of access to the content for reasons of public security, such as the prevention, investigation, detection and prosecution of serious crime, for as long as necessary, but not exceeding six weeks from that decision*

Or. en

Amendment 347
Marina Kaljurand

Proposal for a regulation
Article 8 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the order is securely and easily authenticated;

Or. en

Amendment 348
Clare Daly

Proposal for a regulation
Article 8 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) where the provider has its main establishment, or, if not established in the Union, its legal representative, in another Member State than the authority issuing the order, the territorial scope of the order is limited to the territory of the Member State issuing the order;

Or. en

Amendment 349
Marina Kaljurand

Proposal for a regulation
Article 8 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the territorial scope of an order addressed to a provider that has its main establishment, or, if not established in the Union, its legal representation in another Member State is limited to the issuing Member State;

Or. en

Amendment 350
Clare Daly

Proposal for a regulation
Article 8 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(b b) (bb) if addressed to a provider that has its main establishment outside the Union, the territorial scope of the order, where Union law is infringed, is limited to the territory of the Union or, where national law is infringed, to the territory of the Member State issuing the order;

Or. en

Amendment 351
Marina Kaljurand

Proposal for a regulation
Article 8 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(b b) where addressed to a provider that has its main establishment outside the Union, the territorial scope of the order, where Union law is infringed, is limited to the territory of the Union or, where national law is infringed, to the territory of the Member State issuing the order;

Or. en

Amendment 352
Nathalie Colin-Oesterlé, Geoffroy Didier

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

(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. ***The order may alternatively be drafted in the official language of the Member State whose authority issues the order against the specific item of illegal content; in such case, the point of contact is entitled upon request to a transcription, by said authority, into the language declared by the provider.***

Or. en

Amendment 353
Clare Daly

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The Digital Services Coordinator from the Member State of the judicial **or administrative** authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

Amendment

3. The Digital Services Coordinator from the Member State of the judicial authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

Or. en

Amendment 354
Marina Kaljurand

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The Digital Services Coordinator from the Member State of the judicial **or administrative** authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

Amendment

3. The Digital Services Coordinator from the Member State of the judicial authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

Or. en

Amendment 355
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

3. The Digital Services Coordinator from the Member State of the **judicial or administrative** authority issuing the order

Amendment

3. The Digital Services Coordinator from the Member State of the **competent** authority issuing the order shall, without

shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

Or. en

Amendment 356

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The Digital Services Coordinator of each Member State, on its own initiative, within 72 hours of receiving the copy of the order to act, has the right to scrutinise the order to determine whether it seriously or manifestly infringes the respective Member State's law and revoke the order on its own territory.

Or. en

Amendment 357

Patrick Breyer

Proposal for a regulation

Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Member States shall ensure that the judicial authorities may, at the request of an applicant whose rights are infringed by the accessibility of illegal content, issue against the relevant provider of hosting services an order in accordance with this Article to remove or disable access to this content, including by way of an interlocutory injunction.

Or. en

Justification

Where illegal content violates the rights of a person, that person shall have effective access to the judiciary to decide on the legality of the content and ensure redress. This shall include the right to apply for an interlocutory injunction. Orders shall be in accordance with Article 8, particularly concerning their territorial effect.

Amendment 358 **Marina Kaljurand**

Proposal for a regulation **Article 8 – paragraph 4 a (new)**

Text proposed by the Commission

Amendment

4 a. The Commission shall, by means of implementing acts, define a European technical standard for the secure communication channels that also provide for the authentication of the orders.

Or. en

Amendment 359 **Nathalie Colin-Oesterlé, Geoffroy Didier**

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

Text proposed by the Commission

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.

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, the effect given to the order **and, where no effect has been given to the order, a statement of reasons explaining why information cannot be provided to the national judicial or administrative authority issuing the**

order.

Or. en

Amendment 360
Marina Kaljurand

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, ***via a secure communications channel***, of an ***authenticated*** order to provide a specific item of information about one or more specific individual recipients of the service, issued by ***a*** national judicial ***authority*** on the basis of the applicable Union or national law, in conformity with Union law, ***for the purpose of preventing serious threats to public security***, inform without undue delay the authority of issuing the order of the effect given to the order ***via a secure communications channel***.

Or. en

Amendment 361
Clare Daly

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

Amendment

1. ***For the purpose of preventing a serious threat to public security***, 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 ***a*** national judicial ***authority*** on the basis of the applicable Union or national law, in conformity with Union law, inform without

authority of issuing the order of its receipt and the effect given to the order.

undue delay the authority of issuing the order of its receipt and the effect given to the order.

Or. en

Amendment 362
Jorge Buxadé Villalba

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 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.

Or. es

Amendment 363
Clare Daly

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**

Amendment

— 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 **prevent a serious threat to public security in conformity** with applicable Union or national rules;

prosecution of criminal offences;

Or. en

Amendment 364
Marina Kaljurand

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

— ***the identification details of the judicial authority issuing the order,*** a statement of reasons explaining the objective for which the information is required and ***the grounds for the necessity and proportionality of the request, taking due account of its impact on the fundamental rights of the specific recipient of the service whose data is sought and the seriousness of the offence;***

Or. en

Amendment 365
Nathalie Colin-Oesterlé, Geoffroy Didier

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 reasons related to the prevention, investigation, detection and prosecution of criminal offences;

Amendment 366

Vladimír Bilčík, Lena Düpont

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 **sufficient** statement of **clear** 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 **public security, such as** the prevention, investigation, detection and prosecution of criminal offences;

Or. en

Amendment 367

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

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 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 **specific** reasons **such as ones** related to the prevention, investigation, detection and prosecution of criminal offences;

Or. en

Amendment 368
Clare Daly

Proposal for a regulation
Article 9 – paragraph 2 – point a – indent 1 a (new)

Text proposed by the Commission

Amendment

- ***where the information sought constitutes personal data within the meaning of Article 4(1) of Regulation (EU) 2016/679 or Article 3(1) of Directive (EU) 2016/680, a justification that the transfer is in accordance with applicable data protection legislation;***

Or. en

Amendment 369
Marina Kaljurand

Proposal for a regulation
Article 9 – paragraph 2 – point a – indent 1 a (new)

Text proposed by the Commission

Amendment

- ***a unique identifier of the recipients about whom information is sought;***

Or. en

Amendment 370
Vladimír Bilčík, Lena Düpont

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

Text proposed by the Commission

Amendment

— information about redress available to the provider and to the recipients of the service concerned;

— ***user-friendly*** information about redress available to the provider and to the recipients of the service concerned, ***including information about redress to the competent authority, recourse to a court,***

as well as the deadlines for appeal;

Or. en

Amendment 371

Marina Kaljurand, Paul Tang

Proposal for a regulation

Article 9 – paragraph 2 – point a – indent 2

Text proposed by the Commission

— information about redress available to the provider and to the recipients of the service concerned;

Amendment

— information about redress ***mechanisms*** available to the provider and to the recipients of the service concerned;

Or. en

Amendment 372

Clare Daly

Proposal for a regulation

Article 9 – paragraph 2 – point a – indent 2

Text proposed by the Commission

— information about redress available to the provider and to the recipients of the service concerned;

Amendment

— information about redress ***mechanisms*** available to the provider and to the recipients of the service concerned;

Or. en

Amendment 373

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 9 – paragraph 2 – point a – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***identification details of the competent authority issuing the order and authentication of the order by that competent authority;***

Amendment 374

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 9 – paragraph 2 – point a – indent 2 b (new)

Text proposed by the Commission

Amendment

- *a reference to the legal basis for the removal order;*

Or. en

Amendment 375

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 9 – paragraph 2 – point a – indent 2 c (new)

Text proposed by the Commission

Amendment

- *the date, time stamp and electronic signature of the competent authority issuing the removal order;*

Or. en

Amendment 376

Marina Kaljurand, Paul Tang

Proposal for a regulation

Article 9 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

- (a a) the order is securely and easily authenticated;*

Or. en

Amendment 377

Marina Kaljurand

Proposal for a regulation

Article 9 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(a b) the order is issued for the purpose of preventing serious threats to public security;

Or. en

Amendment 378

Marina Kaljurand

Proposal for a regulation

Article 9 – paragraph 2 – point a c (new)

Text proposed by the Commission

Amendment

(a c) the order seeks information on a suspect or suspects of a serious threat to public security;

Or. en

Amendment 379

Marina Kaljurand, Paul Tang

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the order only requires the provider to provide information already collected for the purposes of providing the service and which lies within its control;

(b) the order only requires the provider to provide information already **legally** collected for the purposes of providing the service and which lies within its control;

Or. en

Amendment 380

Nathalie Colin-Oesterlé, Geoffroy Didier

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. ***The order may alternatively be drafted in the official language of the Member State whose authority issues the order against the specific item of illegal content; in such case, the point of contact is entitled upon request to a transcription, by said authority, into the language declared by the provider.***

Or. en

Amendment 381

Clare Daly

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. The Digital Services Coordinator from the Member State of the national judicial ***or administrative*** authority issuing the order shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.

Amendment

3. The Digital Services Coordinator from the Member State of the national judicial authority issuing the order shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.

Or. en

Amendment 382

Marina Kaljurand

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. The Digital Services Coordinator from the Member State of the national judicial **or administrative** authority issuing the order shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.

Amendment

3. The Digital Services Coordinator from the Member State of the national judicial authority issuing the order shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.

Or. en

Amendment 383

Marina Kaljurand, Paul Tang

Proposal for a regulation

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The provider shall inform the recipient whose data is being sought without undue delay. As long as necessary and proportionate, in order to protect the fundamental rights of another person, the issuing judicial authority, taking into due account the impact of the request on the fundamental rights of the person whose data is sought, may request the provider to delay informing the recipient. Such a request shall be duly justified, specify the duration of the obligation of confidentiality and shall be subject to periodic review.

Or. en

Amendment 384

Marina Kaljurand

Proposal for a regulation

Article 9 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. This Article shall apply, *mutatis mutandis*, to competent administrative authorities ordering online platforms to provide the information listed in Article 22.

Or. en

**Amendment 385
Marina Kaljurand**

**Proposal for a regulation
Article 9 – paragraph 3 c (new)**

Text proposed by the Commission

Amendment

3 c. Where information is sought for the purpose of criminal proceedings, Regulation (EU) 2021/XXXX on access to electronic evidence shall apply.

Or. en

**Amendment 386
Marina Kaljurand**

**Proposal for a regulation
Article 9 – paragraph 3 d (new)**

Text proposed by the Commission

Amendment

3 d. Providers of intermediary services shall transfer the personal data on recipients of their service requested by public authorities only where the conditions of this article are met.

Or. en

**Amendment 387
Marina Kaljurand, Paul Tang**

**Proposal for a regulation
Article 9 – paragraph 3 e (new)**

3 e. The Commission shall, by means of implementing acts, establish a common European information exchange system with secure channels for the handling of authorised cross-border communications, authentication and transmission of the order referred to in paragraph 1 and, where applicable, of the requested data between the competent judicial authority and the provider.

Or. en

Amendment 388

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.

4. The conditions and requirements laid down in this article shall be without prejudice to requirements **falling** under national criminal procedural law in conformity with Union law.

Or. en

Amendment 389

Jorge Buxadé Villalba

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of intermediary services shall establish a single point of contact allowing for direct communication, by electronic means, with Member States' authorities, **the Commission** and the Board referred to in Article 47 for the application

1. Providers of intermediary services shall establish a single point of contact allowing for direct communication, by electronic means, with Member States' authorities and the Board referred to in Article 47 for the application of this

of this Regulation.

Regulation.

Or. es

Amendment 390

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact, ***including postal address, and ensure that that information is up to date. Providers of intermediary services shall notify that information, including the name, postal address, the electronic mail address and telephone number, of their single point of contact, to the Digital Service Coordinator in the Member State where they are established.***

Or. en

Amendment 391

Jorge Buxadé Villalba

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

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 resource to cooperate with the Member States' authorities, *the Commission* and the Board and comply with those decisions.

representative with the necessary powers and resource to cooperate with the Member States' authorities and the Board and comply with those decisions.

Or. es

Amendment 392

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation Article 11 – paragraph 4

Text proposed by the Commission

4. Providers of intermediary services shall notify the name, address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date.

Amendment

4. Providers of intermediary services shall notify ***valid identification data, including*** the name, ***postal*** address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date.

Or. en

Amendment 393

Tomas Tobé

Proposal for a regulation Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, and who have been unsuccessful in obtaining the services of a legal representative after reasonable efforts, shall be able to request that the Digital Service Coordinator of the Member State where the enterprise intends to establish a legal representative facilitates further cooperation and

recommends possible solutions, including the possibility for collective representation.

Or. en

Amendment 394

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 11 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Very large online platform defined in art. 25, at the request of the Digital Services Coordinator of the Member States where this provider offers its services, shall designate a legal representative to be bound to obligations laid down in this article

Or. en

Amendment 395

Nicola Procaccini

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 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, **specifying that they are not regulatory requirements**. 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. *The terms and conditions laid down by providers of intermediary services shall not serve as a basis for the arbitrary removal of online content, as only the national public authorities responsible are entitled to order that online content be disabled, with the exception of manifestly illegal content related to serious crimes, which calls for immediate action by those providers.*

Or. it

Amendment 396
Clare Daly

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including 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. *A summary of the terms and conditions, setting out the most important points in concise, clear and unambiguous language shall also be publicly available.*

Or. en

Amendment 397
Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Ondřej Kovařík, Olivier Chastel, Abir Al-Sahani, Sophia in 't Veld

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 398

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 399

Clare Daly

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The obligation to provide information under paragraph 1 is without prejudice to obligations under Articles 12-14 of Regulation 2016/679.

Or. en

Amendment 400

Clare Daly

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

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.

2. Providers of intermediary services shall act in a **fair, transparent**, diligent, **non-discriminatory, predictable, necessary** and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, **or any other measure in accordance with this Regulation**, 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 401

Anna Júlia Donáth

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Providers of intermediary services shall act in a diligent, objective, ***timely***, and proportionate ***and non-discriminatory*** 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. ***The*** fundamental rights of the recipients of the service as enshrined in the Charter ***shall be applied in particular when limitations imposed.***

Or. en

Amendment 402

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Providers of intermediary services shall act in a diligent, objective 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, ***as well as the national and Union law.***

Or. en

Amendment 403

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 404
Sylvie Guillaume

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

Text proposed by the Commission

Amendment

2a. The general conditions for intermediary service providers are based on the essential principles of human rights as enshrined in the Charter and in international law, in particular Article 19 of the International Covenant on Civil and Political Rights, as interpreted by general comment No 34 of the UN's Human Rights Committee.

Or. fr

Amendment 405
Clare Daly

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

Text proposed by the Commission

Amendment

2 a. Where a provision contained in the terms and conditions does not comply with Union or Member State law, or is in violation of the Charter, it shall not be

binding upon the recipient of the service.

Or. en

Amendment 406

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 407

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Very large online platforms as defined in article 25, should publish their terms and conditions in all official languages of the Union.

Or. en

Amendment 408

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 12 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. The Digital Services Coordinator of each Member State has the right to

request very large online platforms, to apply measures and tools of content moderation, including algorithmic decision-making and human review reflecting Member State's socio-cultural context. Framework for this cooperation as well as specific measures thereof may be laid down in national legislation and be notified to the European Commission.

Or. en

Amendment 409

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation

Article 12 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Terms and conditions that do not comply with this Article and with the Charter of Fundamental Rights shall be considered invalid.

Or. en

Amendment 410

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 12 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. Notwithstanding the right in article 12(3), the Digital Services Coordinator of each Member State, by means of national legislation, may seek to request from a very large online platform to cooperate with the Digital Services Coordinator of the Member State in question in handling specific legal content removal cases in which there is reason to believe that Member State's socio-cultural context may have played a vital role.

Amendment 411

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation

Article 12 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. Providers of intermediary services shall provide recipients of services with a concise and easily readable summary of the terms and conditions. That summary shall identify the main elements of the information requirements, including the possibility of easily opting-out from optional clauses and the remedies available.

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Or. en

Amendment 412

Caterina Chinnici, Hilde Vautmans, David Lega, Javier Moreno Sánchez, Antonio López-Istúriz White, Milan Brglez, Dragoş Pîslaru, Fabienne Keller, Eva Kaili, Josianne Cutajar, Ioan-Rareş Bogdan

Proposal for a regulation

Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12 a

Child impact assesment

1. All providers must assess whether their services are accessed by, likely to be accessed by or impact on children, defined as persons under the age of 18. Providers of services likely to be accessed by or impact on children shall identify, analyse and assess, during the design and development of new services and at least once a year thereafter, any systemic risks stemming from the functioning and use

made of their services in the Union by children. These risk impact assessments shall be specific to their services, meet the highest European or International standards detailed in Article 34, and shall consider all known content, contact, conduct or commercial risks included in the contract. Assessments should also include the following systemic risks:

a. the dissemination of illegal content or behaviour enabled, manifested on or as a result of their services;

b. any negative effects for the exercise of the rights of the child, as enshrined in Article 24 of the Charter and the UN Convention on the Rights of the Child, and detailed in the United Nations Committee on the Rights of the Child General comment No. 25 as regards the digital environment;

c. any intended or unintended consequences resulting from the operation or intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection or rights of children;

2. When conducting child impact assessments, providers of intermediary services likely to impact children shall take into account, in particular, how their terms and conditions, content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions or with the rights of the child.

Or. en

Beata Kempa, Patryk Jaki

**Proposal for a regulation
Article 12 a (new)**

Text proposed by the Commission

Amendment

Article 12 a

Any restrictions referred to in paragraph 1 must respect fundamental rights enshrined in the Charter

Or. en

Amendment 414

Caterina Chinnici, Hilde Vautmans, David Lega, Javier Moreno Sánchez, Antonio López-Istúriz White, Milan Brglez, Dragoş Pîslaru, Fabienne Keller, Eva Kaili, Josianne Cutajar, Ioan-Rareş Bogdan

**Proposal for a regulation
Article 12 b (new)**

Text proposed by the Commission

Amendment

Article 12 b

Mitigation of risks to children

Providers of intermediary services likely to impact children shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 13 (12 a new). Such measures shall include, where applicable:

- a. implementing mitigation measures identified in Article 27 with regard for children's best interests;***
- b. adapting or removing system design features that expose children to content, contact, conduct and contract risks, as identified in the process of conducting child impact assessments;***
- c. implementing proportionate and privacy preserving age assurance, meeting the standard outlined in Article 34;***
- d. adapting content moderation or***

recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions to ensure they prioritise the best interests of the child;

e. ensuring the highest levels of privacy, safety, and security by design and default for users under the age of 18;

f. preventing profiling, including for commercial purposes like targeted advertising;

g. ensuring published terms are age appropriate and uphold children's rights;

h. providing child-friendly mechanisms for remedy and redress, including easy access to expert advice and support;

Or. en

Amendment 415

Beata Kempa, Patryk Jaki

Proposal for a regulation

Article 12 b (new)

Text proposed by the Commission

Amendment

Article 12 b

Providers of intermediary services shall notify at least 30 days in advance their users of any changes to terms and conditions or algorithmic changes

Or. en

Amendment 416

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Providers of intermediary services

1. Providers of intermediary services

shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

shall publish ***in an easily accessible manner***, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. ***The reports must be searchable and archived for further use.*** Those reports shall include, in particular, information on the following, as applicable:

Or. en

Amendment 417

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

Amendment

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include ***breakdowns at Member state level and***, in particular, information on the following, as applicable:

Or. en

Amendment 418

Clare Daly

Proposal for a regulation

Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed for taking the action ***specified in those orders***;

Amendment

(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, ***the action taken*** and the average time needed for taking the action;

Amendment 419

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 13 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) the complete number of content moderators allocated for individual official languages per Member State and a qualitative description of how automated tools for content moderation are used for content moderation in each official language

Or. en

Amendment 420

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 13 – paragraph 1 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 421

Annalisa Tardino

Proposal for a regulation

Article 13 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 422

Caterina Chinnici, Hilde Vautmans, David Lega, Javier Moreno Sánchez, Antonio López-Istúriz White, Milan Brglez, Dragoş Pişlaru, Eva Kaili, Josianne Cutajar, Ioan-Rareş Bogdan, Fabienne Keller

Proposal for a regulation

Article 13 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 423

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 13 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 424

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 13 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Providers of intermediary services shall provide an accessible database of removed harmful content. This database shall be user-friendly and it shall include the reasons why the content was removed.

Or. en

Amendment 425

Tomas Tobé

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

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

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

within the meaning of the Annex to Article 2003/361/EC during the twelve months following their loss of that status pursuant to Article 4(2) thereof.

Or. en

Amendment 426
Clare Daly

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 427
Caterina Chinnici, Hilde Vautmans, David Lega, Javier Moreno Sánchez, Milan Brglez, Dragoş Pîslaru, Fabienne Keller, Eva Kaili, Josianne Cutajar, Ioan-Rareş Bogdan, Antonio López-Istúriz White

Proposal for a regulation
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Providers of intermediary services that impact on children shall publish, at least once a year:

a. child impact assessments to identify known harms, unintended consequences and emerging risk, pursuant to Article 13 (Art. 12 a new). The child impact assessments must comply with the standards outlined in Article 34;

b. clear, easily comprehensible and detailed reports outlining the child risk mitigation measures undertaken pursuant

to Article 14, their efficacy and any outstanding actions required. These reports must comply with the standards outlined in Article 34, including as regards age assurance and age verification, in line with a child-centred design. The content of these reports must be verifiable by independent audit; data sets and source code must be made available at the request of the regulator.

Or. en

Amendment 428

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down specific templates of reports specified in paragraph 1.*

Or. en

Amendment 429

Marina Kaljurand, Christel Schaldemose, Paul Tang

Proposal for a regulation

Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Online advertising transparency

Providers of intermediary services that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear, concise

and unambiguous manner and in real time:

(a) that the information displayed on the interface or parts thereof is an online advertisement, including through prominent and harmonised marking;

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

(c) clear, meaningful and uniform information about the parameters used to determine the recipient to whom the advertisement is displayed; and

(e) if the advertisement was displayed using an automated tool and the identity of the person responsible for that tool.

2. The Commission shall adopt an implementing act establishing harmonised specifications for the marking referred to in paragraph 1(a) of this Article.

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

4. Providers of intermediary services that display advertising on their online interfaces shall be able to give easy access to public authorities, NGOs, and researchers, upon their request, to information related to direct and indirect payments or any other remuneration received to display the corresponding advertisement on their online interfaces.

Or. en

Amendment 430

Paul Tang, Karen Melchior, Alexandra Geese, Martin Schirdewan, Eva Kaili, Rasmus Andresen, Kim Van Sparrentak, Maria-Manuel Leitão-Marques, Ismail Ertug, Cornelia Ernst, Birgit Sippel, Evelyn Regner, Tiemo Wölken, Alex Agius Saliba, Lina Gálvez Muñoz, Marcel Kolaja, Clare Daly

Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13 a

Targeting of digital advertising

1. Providers of intermediary services shall not collect or process personal data as defined by Regulation (EU) 2016/679 for the purpose of showing digital advertising.

2. This provision shall not prevent intermediary services from displaying targeted digital advertising based on contextual information such as keywords, the language setting communicated by the device of the recipient or the digital location where the advertisement is displayed.

3. The use of the contextual information referred to in paragraph 2 shall only be permissible if it does not allow for the direct or, by means of combining it with other information, indirect identification of a natural person or a clearly identifiable group of recipients/persons, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Or. en

Amendment 431
Marina Kaljurand, Christel Schaldemose

Proposal for a regulation
Article 13 b (new)

Text proposed by the Commission

Amendment

Article 13 b

Targeting of digital advertising

1. Providers of intermediary services shall not collect or process personal data as defined by Regulation (EU) 2016/679 for the purpose of showing digital advertising to recipients of their service, of other information society services, or directly to the public.

2. Providers of intermediary services may show targeted digital advertising based on contextual information.

3. The use of the contextual information referred to in paragraph 2 shall be permissible only if it does not allow for the direct or indirect identification of a natural person, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

Or. en

Amendment 432

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 13 c (new)

Text proposed by the Commission

Amendment

Article 13 c

Recipients' consent for advertising practices

1. Providers of intermediary services shall not, by default, subject the recipients of their services to targeted, micro-targeted and behavioural advertisement, unless the recipient of the service has expressed a freely given, specific, informed and unambiguous consent to receiving such advertising. Providers of intermediary

services shall ensure that recipients of services can easily make an informed choice when expressing their consent by providing them with meaningful information about the use of their personal data.

2. When processing personal data for targeted, micro-targeted and behavioural advertising, where consent has been received, online intermediaries shall comply with relevant Union law and shall not engage in activities that can lead to pervasive tracking, such as disproportionate combination of data collected by platforms, or disproportionate processing of special categories of personal data.

3. Providers of intermediary services shall organise their online interface in a way that provides clear information regarding the advertising parameters and allows the recipients of services to easily and efficiently access and modify those advertising parameters. Providers of intermediary services shall regularly monitor the use of advertising parameters by the recipients of services and make improvements to their use where necessary.

Or. en

Amendment 433

Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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

friendly, and allow for the submission of notices exclusively by electronic means.
For instance a clearly identifiable banner, allowing the users of those hosting services to notify quickly and easily the providers of hosting services, of illegal content or manifestly illegal content when it is encountered by users, as well as putting at users' disposal, including children, information regarding what is considered illegal content under Union and national law. They shall also, where applicable, inform users, including children, of available public tools in the Member State which provides a service to signal manifestly illegal content to the authorities.

Or. en

Amendment 434
Nicola Procaccini

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Providers of hosting services shall put mechanisms in place to allow *the detection of content that is illegal under existing law, especially following a report from a competent national public authority.*

Or. it

Amendment 435
Maria Walsh

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Access to these mechanisms should be made simpler to access and more user-friendly.

Amendment 436

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Ondřej Kovařík, Sophia in 't Veld

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

Text proposed by the Commission

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

Amendment

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their ***hosting*** 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 ***on a case by case basis***, exclusively by ***non-automated*** electronic means.

Or. en

Amendment 437

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 14 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can ***unambiguously, without reasonable doubt***, identify the ***manifest*** illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

Or. en

Amendment 438

Nicola Procaccini

Proposal for a regulation

Article 14 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

deleted

Or. it

Amendment 439

Jorge Buxadé Villalba

Proposal for a regulation

Article 14 – paragraph 2 – point a

Text proposed by the Commission

(a) an explanation of the reasons why the individual or entity considers the

Amendment

(a) an explanation of the reasons why the individual or entity considers the

information in question to be illegal content;

information in question to be illegal content, ***which should include the specific legal provision infringed in the Member State in which the service is rendered;***

Or. es

Amendment 440

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 14 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 441

Maria Walsh

Proposal for a regulation

Article 14 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The URL cannot be provided when the service is used in an application e.g. on the smartphone.

Amendment 442

Marina Kaljurand, Paul Tang

Proposal for a regulation

Article 14 – paragraph 2 – point c

Text proposed by the Commission

Amendment

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

Or. en

Amendment 443

Clare Daly

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Amendment 444

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

Amendment

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

3. Notices *that are submitted by a competent judicial authority of the Member State where the hosting provider*

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

is established or its legal representative resides or is established and that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge for the purposes of Article 5 in respect of the specific item of information concerned.

Or. en

Amendment 445

Maite Pagazaurtundúa, Fabienne Keller

Proposal for a regulation Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 446

Tomas Tobé

Proposal for a regulation Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

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

sufficiently precise and adequately substantiated based on the assessment of the provider.

Or. en

Amendment 447
Marina Kaljurand

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

3. *The individual or entity submitting the notice may choose to provide their name and an electronic mail address that shall not be disclosed to the content provider except in cases of alleged violations of intellectual property rights.*

Or. en

Amendment 448
Annalisa Tardino

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 449
Marina Kaljurand

Proposal for a regulation

Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Upon receipt of the notice and using available contact details, the service provider shall notify the provider of the information regarding the elements referred to in paragraph 2 and give them the opportunity to reply before taking a decision.

Or. en

**Amendment 450
Marina Kaljurand**

**Proposal for a regulation
Article 14 – paragraph 4 b (new)**

Text proposed by the Commission

Amendment

4 b. Notified information shall remain accessible until a decision is taken in respect of that information.

Or. en

**Amendment 451
Marina Kaljurand**

**Proposal for a regulation
Article 14 – paragraph 4 c (new)**

Text proposed by the Commission

Amendment

4 c. The provider shall ensure that decisions on notices are taken by qualified staff, to whom adequate initial and ongoing training on the applicable legislation and fundamental rights standards as well as appropriate working conditions are to be provided, including, where necessary, the opportunity to seek qualified legal advice.

Amendment 452**Maria Walsh****Proposal for a regulation****Article 14 – paragraph 5***Text proposed by the Commission*

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

Amendment

5. The provider shall also without undue delay ***but after 7 days following the notification at the latest***, notify that individual or entity of its decision in respect of the information to which the notice relates, providing ***a comprehensible statement of reasons for that decision and*** information on the redress possibilities in respect of that decision.

Or. en

Justification

The proposal does not provide a deadline for the assessment of notifications. The lack of a specific time duration may be stretched to the limit by online platforms. Therefore, users shall be notified within 7 days about the platform's decision upon their notification to gain legal certainty about potential legal action. Individual's or entities deserve a statement of reasons for that decision; first, it acts as proof that their complaint was examined appropriately and, second, it provides them with information on whether they may have grounds to take further legal action.

Amendment 453**Marina Kaljurand****Proposal for a regulation****Article 14 – paragraph 5***Text proposed by the Commission*

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

Amendment

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

possibilities in respect of that decision.

Or. en

Amendment 454

Clare Daly

Proposal for a regulation

Article 14 – paragraph 6

Text proposed by the Commission

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

Amendment

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for **the** processing **of notices** or decision-making, they shall include information on such use in the notification referred to in paragraph 4. ***This shall include meaningful information about the procedure followed, the technology used and the criteria and reasoning supporting the decision, as well as the logic involved in the automated decision-making***

Or. en

Amendment 455

Maite Pagazaurtundúa, Fabienne Keller

Proposal for a regulation

Article 14 – paragraph 6

Text proposed by the Commission

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

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 **decisions to remove or disable**

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

information are taken, they shall extend to preventing the reappearance of that information. Where providers of hosting services use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

Amendment 456
Maria Walsh

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

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

Amendment

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a diligent and objective manner ***and without undue delay but after 7 days following the notification at the latest***. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

Justification

The proposal does not provide a deadline for the assessment of notifications. In “timely” is an insufficient benchmark, as it lacks a specific definition and therefore will be stretched to the limit by online platforms. Therefore, users shall be notified within 7 days about the platform's decision upon their notification to gain legal certainty about potential legal action.

Amendment 457
Tomas Tobé

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

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

Amendment

6. Providers of hosting services shall, **where the information provided is sufficiently clear**, 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.

Or. en

Amendment 458

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation

Article 14 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 459

Marina Kaljurand

Proposal for a regulation

Article 14 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 460

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. The mechanism referred to in paragraph 1 shall be provided free of charge. Where notices are manifestly unfounded or excessive, in particular because of their repetitive character, the provider of hosting services may either:

(a) charge a reasonable fee taking into account the administrative costs of processing the notices; or

(b) refuse to act on the request.

The provider of hosting services shall bear the burden of demonstrating the manifestly unfounded or excessive character of the notice.

Or. en

Amendment 461

Tomas Tobé

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 462

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 463

Annalisa Tardino

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. *The provider shall ensure that decisions on notices are processed by qualified staff provided with dedicated training on the applicable legal framework to protect freedom of expression.*

Amendment 464**Nathalie Colin-Oesterlé, Geoffroy Didier****Proposal for a regulation****Article 15 – paragraph 1***Text proposed by the Commission*

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

Amendment

1. Where a provider of hosting services decides to remove, disable access to ***or otherwise restrict the visibility of*** specific items of information provided by the recipients of the service ***or to suspend or terminate monetary payments related to those items***, irrespective of the means used for detecting, identifying 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.

Amendment 465**Patrick Breyer****Proposal for a regulation****Article 15 – paragraph 1***Text proposed by the Commission*

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

Amendment

1. Where a provider of hosting services decides to remove or disable access to ***or restrict proposals by recommender systems of*** specific items of information provided by the recipients of the service, irrespective of the means used for removing or disabling access to ***or restricting proposals of*** that information, it

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.

shall inform the recipient, ***where he or she provided contact details***, at the latest at the time of the removal or disabling of access ***or the restricting of proposals***, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

Justification

To cover restrictions of the distribution of content by practises such as "demoting" or "shadow-banning".

Amendment 466

Beata Kempa, Patryk Jaki

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where a provider of hosting services ***engages in any content moderation*** 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 ***prior to enforcing*** the decision and provide a clear and specific statement of reasons for that decision. ***This obligation shall not apply to content incitement to violence and child sexual abuse.***

Or. en

Amendment 467

Marina Kaljurand

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. Where a provider of hosting

Amendment

1. Where a provider of hosting

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

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 removing or disabling access to ***it, and where the notifier chose to provide contact details***, it shall inform ***them***, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

Amendment 468
Vladimír Bilčík, Lena Düpont

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

Text proposed by the Commission

Amendment

1 a. Providers of hosting may choose to make use of ex ante control measures based on automated tools for content moderation, notably to prevent the upload of specific content which has been declared illegal by a court. Where providers of hosting services otherwise use automated tools for content moderation, they shall ensure that qualified staff decide on any action to be taken and that legal content which does not infringe the terms and conditions set out by the providers is not affected. The provider shall ensure that the staff is provided with adequate training on the applicable legislation and, where necessary, with access to professional support, qualified psychological assistance and qualified legal advice.

Or. en

Amendment 469
Vladimír Bilčík, Lena Düpont

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

Text proposed by the Commission

Amendment

1 b. Providers of hosting services shall act in a transparent, coherent, predictable, non-discriminatory, diligent and proportionate manner when moderating content, with due regard to the rights and legitimate interests of all parties involved, including the fundamental rights of the recipients of the service as enshrined in the Charter.

Or. en

Amendment 470
Patrick Breyer

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

Text proposed by the Commission

Amendment

(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;

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

Or. en

Amendment 471
Nathalie Colin-Oesterlé, Geoffroy Didier

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

Text proposed by the Commission

Amendment

(a) whether the decision entails either the removal of, ***or*** the disabling of access

(a) whether the decision entails either the removal of, the disabling of access to,

to, the information and, where relevant, the territorial scope of the disabling of access;

the restriction of the visibility of, or the demonetization of the information and, where relevant, the territorial scope of the disabling of access *or the restriction*;

Or. en

Amendment 472
Clare Daly

Proposal for a regulation
Article 15 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

(c) where applicable, information on the use made of automated means in taking the decision, *and in any case whether* the decision was taken in respect of content detected or identified using automated means; *this shall include meaningful information about the procedure followed, the technology used and the criteria and reasoning supporting the decision, as well as the logic involved in the automated decision-making*

Or. en

Amendment 473
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 15 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 474

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 15 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 475

Marina Kaljurand

Proposal for a regulation

Article 15 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 476

Annalisa Tardino

Proposal for a regulation

Article 15 – paragraph 2 – point f

Text proposed by the Commission

(f) information on the redress possibilities available to the recipient of the service in respect of the decision, in

Amendment

(f) ***clear and user-friendly*** information on the redress possibilities available to the recipient of the service in respect of the

particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.

decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.

Or. en

Amendment 477

Nathalie Colin-Oesterlé, Geoffroy Didier

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

2. When the removing or access disabling to specific items of information is followed by the transmission of these specific items of information in accordance with Article 15a, the information of the recipient mentioned in paragraph 1 is postponed by a period of six weeks in order not to interfere with potential ongoing criminal investigations. This period of six weeks can be renewed only after a motivated decision of the competent authority to which the specific items of information had been transmitted.

Or. en

Amendment 478

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 15 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The obligations pursuant to this Article shall not apply where the provider can demonstrate that the recipient of the service has repeatedly provided illegal content or where the removal is based on an order in accordance with Article 8 and

the competent authority that issued the order decides that it is necessary and proportionate that there be no disclosure for reasons of public security, such as the prevention, investigation, detection and prosecution of terrorist offences, for as long as necessary, but not exceeding six weeks from that decision. In such a case, the hosting service provider shall not disclose any information on the removal or disabling of access to terrorist content. That competent authority may extend that period by a further six weeks, where such non-disclosure continues to be justified.

Or. en

Amendment 479

Tomas Tobé

Proposal for a regulation

Article 15 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 480

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Ondřej Kovařík

Proposal for a regulation

Article 15 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Paragraphs 2 and 4 shall not apply to providers of hosting services that

qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Or. en

Amendment 481
Nathalie Colin-Oesterlé, Geoffroy Didier

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

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

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

4. Providers of hosting services shall transmit to the competent authorities of the Member States the illegal content which has been removed or access to which has been disabled, whether such removing or disabling access is a result of a voluntary content moderation or of a use of the notification and action mechanism referred to in Article 14. This obligation of transmission applies under the following conditions: (a) illegal content referred to in this paragraph means content which is manifestly illegal and is an offense according to [Framework Decision 2008/913/JHA and Directive 2011/36/EU]; and (b) the competent law enforcement authority to which to transmit such illegal content is that of the Member State of the residence or establishment of the person who made the illegal content available, or, failing that, the law enforcement authority of the Member State in which the provider of hosting services is established or has its legal representative; or, failing that, the provider of hosting services shall inform Europol. (c) when the provider of hosting services is a very large online platform in accordance with section 4 of chapter III, it must also, when transmitting the illegal content, add an indicating flag for the illegal content which involve a threat to the life or safety of persons.

5. Each Member State shall notify to the European Commission and to the Council

the list of its competent law enforcement authorities as referred to in paragraph 4.

Or. en

Amendment 482

Clare Daly

Proposal for a regulation

Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Content moderation

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

2. Providers of hosting services shall act in a fair, transparent, coherent, predictable, non-discriminatory, diligent, non-arbitrary and proportionate manner when moderating content, with due regard to the rights and legitimate interests of all parties involved, including the fundamental rights of the recipients of

the service as enshrined in the Charter.

Or. en

Amendment 483
Marina Kaljurand

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

Content moderation

- 1. Providers of hosting services shall not use ex-ante control measures based on automated tools or upload-filtering of content for content moderation. Where providers of hosting services otherwise use automated tools for content moderation, they shall ensure that qualified staff decide on any action to be taken and that legal content which does not infringe the terms and conditions set out by the providers is not affected. The provider shall ensure that adequate initial and ongoing training on the applicable legislation and international human rights standards as well as appropriate working conditions are provided to staff, including, where necessary, the opportunity to seek professional support, qualified psychological assistance and qualified legal advice. This paragraph shall not apply where information has likely been provided by automated tools.*
- 2. Providers of hosting services shall act in a fair, transparent, coherent, predictable, non-discriminatory, diligent, non-arbitrary and proportionate manner when moderating content, with due regard to the rights and legitimate interests of all parties involved, including the fundamental rights of the recipients of the service as enshrined in the Charter.*

Amendment 484

Clare Daly

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Exclusion for micro **and small** enterprises

Exclusion for micro enterprises

Or. en

Amendment 485

Tomas Tobé

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 486

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the

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

Or. en

Amendment 487

Clare Daly

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 488

Nathalie Colin-Oesterlé, Geoffroy Didier

Proposal for a regulation

Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 489

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans

Proposal for a regulation

Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 490

Nicola Procaccini

Proposal for a regulation

Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. it

Amendment 491
Annalisa Tardino

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 492
Patrick Breyer

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

Text proposed by the Commission

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

Amendment

(a) decisions to remove or disable access to ***or restrict proposals by recommender systems of*** the information;

Or. en

Justification

This is to cover practises of "shadow-banning" where specific information is excluded or restricted from recommender systems, effectively inhibiting other users from seeing it.

Amendment 493
Nathalie Colin-Oesterlé, Geoffroy Didier

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 494
Clare Daly

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 **or restrict** access to the information;

Or. en

Amendment 495
Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 496
Nathalie Colin-Oesterlé

Proposal for a regulation

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. decisions to restrict the ability to monetize content provided by the recipients.

Or. en

Amendment 497

Nathalie Colin-Oesterlé, Geoffroy Didier

Proposal for a regulation

Article 17 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. 2. 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 mentioned in paragraph 1 begins to start from the day on which the information was given to the recipient in accordance with Article 15(2).

Or. en

Amendment 498

Paul Tang

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

Amendment

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

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

in their terms and conditions and shall present them to recipients of the service in a clear, user-friendly and easily accessible manner, when willing to present a complaint.

Or. en

Amendment 499
Clare Daly

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints. ***Online platforms shall publicly disclose the rules of procedure of their internal complaint handling system in their terms and conditions and shall present them to recipients of the service in a clear, user-friendly and easily accessible manner.***

Or. en

Amendment 500
Annalisa Tardino

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

Amendment

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and objective manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates

is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

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. ***Recipients shall be entitled to seek redress in the same language of the content that was referred to the internal complaint-handling system.***

Or. en

Amendment 501

Maria Walsh

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 diligent and objective manner ***and without undue delay but after 7 days following the notification at the latest***. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

Or. en

Justification

The proposal does not provide a deadline for the assessment of notifications. In "a timely manner" may prove an insufficient benchmark, as it lacks a specific definition and therefore will be stretched to the limit by online platforms. Therefore, users shall be notified within 7 days about the platform's decision upon their notification to gain legal certainty about potential legal action.

Amendment 502
Jorge Buxadé Villalba

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, ***within a maximum of 24 hours,*** 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.

Or. es

Amendment 503
Anna Júlia Donáth

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 504 **Patrick Breyer**

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

Or. en

Justification

To safeguard freedom of expression, Parliament has stressed that it is for the judiciary to decide on the legality of content, not on private commercial entities (resolution 2020/2019(INL), par. 5). In doubt, where content is not manifestly illegal and has not been ruled illegal by the judiciary, it should remain accessible.

Amendment 505 **Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa**

Proposal for a regulation **Article 17 – paragraph 4**

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 506
Jorge Buxadé Villalba

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities. ***If within 48 hours of the complaint lodged by the service recipient the complaint has not been resolved, it shall be deemed to have been accepted.***

Or. es

Amendment 507

Maria Walsh

Proposal for a regulation

Article 17 – paragraph 4

Text proposed by the Commission

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

Amendment

4. Online platforms shall inform complainants of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities ***without undue delay but after 7 days following the notification at the latest.***

Or. en

Justification

The proposal does not provide a deadline for the assessment of notifications. The lack of a specific time duration may be stretched to the limit by online platforms. Therefore, users shall be notified within 7 days about the platform's decision upon their notification to gain legal certainty about potential legal action.

Amendment 508

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 17 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 509

Nathalie Colin-Oesterlé, Geoffroy Didier

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 510

Clare Daly

Proposal for a regulation

Article 17 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 511

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 17 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5 a. Recipients of the service negatively affected by the decision of an online platform shall have the possibility to seek

swift judicial redress in accordance with the laws of the Member States concerned. The procedure shall ensure that an independent judicial body decides on the matter without undue delay, resolving the case no later than within 14 days while granting then negatively affected party the right to seek interim measures to be imposed within 48 hours since the recourse is brought before this body. The right to seek a judicial redress and interim measures will not be limited or conditioned on exhausting the internal complaint-handling system.

Or. en

Amendment 512
Anna Júlia Donáth

Proposal for a regulation
Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body. ***Out-of-court dispute settlement shall be carried out within 30 days after submission.***

Or. en

Amendment 513
Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Olivier Chastel, Sophia in 't

Veld

Proposal for a regulation

Article 18 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 514

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Ondřej Kovařík, Sophia in 't Veld

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The first subparagraph is without prejudice to the right of the recipient concerned to redress against the decision before a court in accordance with the applicable law.

Amendment

The first subparagraph is without prejudice to the right of the recipient concerned to redress against the decision ***of the online platform before a court in accordance with the applicable law, as well as the right of the online platform concerned to redress against the decision of the out-of-court dispute settlement body*** before a court in accordance with the applicable law.

Or. en

Amendment 515

Marina Kaljurand

Proposal for a regulation

Article 18 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The first subparagraph is without prejudice to the right of the recipient concerned to redress against the decision before a court in accordance with the applicable law.

Amendment

The first subparagraph is without prejudice to the right of the recipient concerned to ***seek*** redress against the decision before a court in accordance with the applicable law.

Or. en

Amendment 516

Anna Júlia Donáth

Proposal for a regulation

Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

Amendment

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and is legally distinct from and functionally independent of the government of the Member State or any other public or private body;***

Or. en

Amendment 517

Clare Daly

Proposal for a regulation

Article 18 – paragraph 2 – point a

Text proposed by the Commission

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

Amendment

(a) it is impartial and independent of online platforms and ***individual*** recipients of the service provided by the online platforms;

Amendment 518

Clare Daly

Proposal for a regulation

Article 18 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) it or its representatives are remunerated in a way that is not linked to the outcome of the procedure;

Or. en

Amendment 519

Marina Kaljurand

Proposal for a regulation

Article 18 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) it includes legal experts;

Or. en

Amendment 520

Maria Walsh

Proposal for a regulation

Article 18 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

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

settlement of a dispute;

Or. en

Justification

This body should have relevant legal expertise to ensure that it can tackle these issues adequately.

Amendment 521
Marina Kaljurand

Proposal for a regulation
Article 18 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 522
Marina Kaljurand

Proposal for a regulation
Article 18 – paragraph 2 – point d

Text proposed by the Commission

(d) it is capable of settling ***dispute*** in a swift, efficient and cost-effective manner and in at least one official language of the Union;

Amendment

(d) it is capable of settling ***disputes*** in a swift, efficient and cost-effective manner and in at least one official language of the Union;

Or. en

Amendment 523

Maria Walsh

Proposal for a regulation

Article 18 – paragraph 2 – point e

Text proposed by the Commission

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure.

Amendment

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure ***that are transparent and clearly visible and easily accessible on the online platform.***

Or. en

Justification

We need to enable access to justice for users to take legal action against wrongful content decisions. We need a regulation that improves access to justice for all users towards online platforms to seek efficient judicial review.

Amendment 524

Maria Walsh

Proposal for a regulation

Article 18 – paragraph 3 – introductory part

Text proposed by the Commission

3. If the body decides the dispute in favour of the recipient of the service, ***the online platform*** shall reimburse the recipient for ***any fees and other*** reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

Amendment

3. ***The online platform shall bear all fees for the dispute settlement irrespective of the decision.*** If the body decides the dispute in favour of the recipient of the service ***it*** shall ***further*** reimburse the recipient for ***all additional*** reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

Or. en

Justification

Only if the decision of the external is not binding can it be subject to legal action that is

directed against the platforms. Otherwise, legal proceedings against the decision of the (private) external body need to be directed against the body which is not only causing costs but also relieves the platforms yet again from responsibility.

Amendment 525

Clare Daly

Proposal for a regulation

Article 18 – paragraph 3 – introductory part

Text proposed by the Commission

3. If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses *that the online platform paid or is to pay in relation to the dispute settlement.*

Amendment

3. If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to **pay or** reimburse any fees or other expenses.

Or. en

Amendment 526

Clare Daly

Proposal for a regulation

Article 18 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof.

Amendment

The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof. ***Out-of-court dispute settlement procedures should preferably be free of charge for the consumer. In the event that costs are applied, the procedure should be accessible, attractive and inexpensive for consumers. To that end, costs should not exceed a nominal fee.***

Amendment 527
Marina Kaljurand

Proposal for a regulation
Article 18 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, ***known to the recipient of the services and the online platform concerned before engaging in the dispute settlement.***

Amendment

Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, ***publicly available.***

Amendment 528
Beata Kempa, Patryk Jaki

Proposal for a regulation
Article 18 – paragraph 6 – point 1 (new)

Text proposed by the Commission

Amendment

(1) Members State shall establishe a mechanism enabling the recipients of the service to content decision of out of court dispute settlement bodies before a national judicial authority relevant for resolving disputes related to freedom of expression

Amendment 529
Anna Júlia Donáth

Proposal for a regulation
Article 18 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. This article is without prejudice to the provisions laid down in Article 43 concerning the ability of recipients of the services to file complaints with the Digital Services Coordinator of their country of residence or in the case of very large online platforms, the Commission.

Or. en

Amendment 530

Patryk Jaki, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 18 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Member States shall establish a mechanism enabling the recipients of the service to contest decisions of out-of-court dispute settlement bodies before a national judicial authority or an administrative authority relevant for resolving disputes related to freedom of expression

Or. en

Amendment 531

Patrick Breyer

Proposal for a regulation

Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18 a

Judicial redress

Member States shall ensure that the judicial authorities may, at the request of a recipient who is subject to the decision of an online platform to

(a) remove or disable access to or restrict proposals by recommender systems of

information provided by the recipient;
(b) suspend or terminate the provision of the service, in whole or in part, to the recipient;
(c) suspend or terminate the recipients' account, review the legality of this decision and, where appropriate, issue an interlocutory injunction.

Or. en

Justification

Platform decisions that interfere with the rights of a recipient shall be subject to judicial review.

Amendment 532
Anna Júlia Donáth

Proposal for a regulation
Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18 a

Burden of Proof

The rules on the burden of proof shall be shifted back to the providers of hosting services whether an information constitutes legal or illegal content.

Or. en

Amendment 533
Nicola Procaccini

Proposal for a regulation
Article 19

Text proposed by the Commission

Amendment

[...]

deleted

Or. it

Amendment 534
Annalisa Tardino

Proposal for a regulation
Article 19 – title

Text proposed by the Commission

19 Trusted flaggers

Amendment

19 ***Children rights*** Trusted flaggers

Or. en

Amendment 535
Nicola Procaccini

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

deleted

Or. it

Amendment 536
Sylvie Guillaume

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, ***as well as actions brought by trusted flaggers or requests by a trusted flagger to support an action***

delay.

brought using the mechanisms referred to in Article 14, or against a decision to remove content or delete an account, are processed and decided upon with priority and without delay.

Or. fr

Amendment 537

Tomas Tobé

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by ***certified*** trusted flaggers, ***acting within their designated area of expertise***, through the mechanisms referred to in Article 14, are processed without delay, ***depending on the severity of the illegal activity***.

Or. en

Amendment 538

Annalisa Tardino

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 539
Nicola Procaccini

Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

(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.

Or. it

Amendment 540
Annalisa Tardino

Proposal for a regulation
Article 19 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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

2. The status of *children rights* 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:

Or. en

Amendment 541
Nicola Procaccini

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

Text proposed by the Commission

Amendment

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

Or. it

Amendment 542
Annalisa Tardino

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 543
Nicola Procaccini

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

Text proposed by the Commission

Amendment

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

Or. it

Amendment 544

Annalisa Tardino

Proposal for a regulation

Article 19 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) it represents collective interests ***to protect children rights*** and is independent from any online platform;

Or. en

Amendment 545

Nicola Procaccini

Proposal for a regulation

Article 19 – paragraph 2 – point c

Text proposed by the Commission

(c) ***it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.***

Amendment

deleted

Or. it

Amendment 546

Anna Júlia Donáth

Proposal for a regulation

Article 19 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) it is legally distinct from and functionally independent of the government of the Member State or any other public or private body;

Or. en

Amendment 547

Nicola Procaccini

Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. it

Amendment 548
Nicola Procaccini

Proposal for a regulation
Article 19 – paragraph 4

Text proposed by the Commission

Amendment

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

Or. it

Amendment 549
Nicola Procaccini

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

Amendment

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

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

Or. it

Amendment 550
Marina Kaljurand

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

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.

Amendment

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

Or. en

Amendment 551
Clare Daly

Proposal for a regulation
Article 19 – paragraph 5

Text proposed by the Commission

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.

Amendment

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

Or. en

Amendment 552
Nicola Procaccini

Proposal for a regulation
Article 19 – paragraph 6

Text proposed by the Commission

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

Amendment

deleted

Or. it

Amendment 553
Marina Kaljurand

Proposal for a regulation
Article 19 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 554
Nicola Procaccini

Proposal for a regulation
Article 19 – paragraph 7

Text proposed by the Commission

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

Amendment

deleted

Or. it

Amendment 555
Clare Daly

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 556
Annalisa Tardino

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 557
Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

Amendment

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

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, ***unless those manifestly illegal contents were due to wrongful notices and complaints as***

described in point 2 of this article.

Or. en

Amendment 558
Marina Kaljurand

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that *has received two or more orders to act regarding* illegal content *in the previous 12 months*.

Or. en

Amendment 559
Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Abir Al-Sahlani, Sophia in 't Veld

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 560
Nicola Procaccini

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. it

Amendment 561
Rob Rooken

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. nl

Amendment 562
Rob Rooken

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

Text proposed by the Commission

Amendment

1a. Online platforms shall immediately withdraw their services from users who are manifestly distributing illegal content. They shall resume services and compensate users where a judicial authority has been unable to establish the illegal nature of the content in question.

They shall resume the provision of services to users able to show that they have not been distributing the illegal content, especially where it emerges that a third party has obtained unauthorised access to a user's account.

Or. nl

Amendment 563

Maria Walsh

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

It cannot be expected that users can assess the lawfulness of content and it is not their task either. Negative consequences of misuse of notification results from wrongful and often automated complaint handling by the platform and waiver of human oversight. Especially members of marginalized groups with a different understanding of discrimination and people with little legal knowledge are about to be put in danger of suspension from notification procedures due to too many unjustified reporting.

Amendment 564

Annalisa Tardino

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Online platforms shall suspend, for a **defined** period of time and after having issued **three** prior **warnings**, 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.

Or. en

Amendment 565

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 566

Annalisa Tardino

Proposal for a regulation

Article 20 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 567

Clare Daly

Proposal for a regulation

Article 20 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 568

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 20 – paragraph 3 – point a

Text proposed by the Commission

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

Amendment

(a) the absolute **number** of items of manifestly illegal content or manifestly unfounded notices or complaints, submitted in the past year **broken down per**

Member State;

Or. en

Amendment 569
Marina Kaljurand

Proposal for a regulation
Article 20 – paragraph 3 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 570
Clare Daly

Proposal for a regulation
Article 20 – paragraph 3 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 571
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 20 – paragraph 3 – point b

Text proposed by the Commission

(b) the relative proportion ***thereof*** in relation to the total number of ***items of***

Amendment

(b) the relative proportion ***of manifestly unfounded notices or***

information provided or notices submitted in the past year;

complaints in relation to the total number of notices submitted in the past year
broken down per Member State;

Or. en

Amendment 572

Tomas Tobé

Proposal for a regulation

Article 20 – paragraph 3 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 573

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 20 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 574

Annalisa Tardino

Proposal for a regulation

Article 20 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 575

Clare Daly

Proposal for a regulation

Article 20 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 576

Nathalie Colin-Oesterlé, Geoffroy Didier

Proposal for a regulation

Article 21 – title

Text proposed by the Commission

21 Notification of suspicions of criminal offences

Amendment

21 **15c.** Notification of suspicions of criminal offences

Amendment 577

Nathalie Colin-Oesterlé, Geoffroy Didier

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

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.

Or. en

Amendment 578

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 579
Clare Daly

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life ***of a person is imminent***, 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.

Or. en

Amendment 580
Marina Kaljurand

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons ***is imminent***, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its ***reasoned*** suspicion and provide ***the*** information ***giving rise to it***.

Or. en

Amendment 581
Paul Tang

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

This article risks undermining individuals' privacy in their digital communications, the right of presumption of innocence and EU criminal law's own protections. Companies will face incentives to over-report, rather than risk liability themselves, possibly leading to substantial amounts of useless and distracting information for law enforcement while severely threatening the fundamental rights of internet users. This is likely to disproportionately affect already marginalised and vulnerable groups and individuals who already face stigma and discrimination in society.

Amendment 582
Nathalie Colin-Oesterlé, Geoffroy Didier

Proposal for a regulation
Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. Where the **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 inform Europol.

Or. en

Amendment 583

Clare Daly

Proposal for a regulation

Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative.

Or. en

Amendment 584

Nathalie Colin-Oesterlé, Geoffroy Didier

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

For the purpose of this Article, each Member State shall notify to the European Commission and to the Council the list of its competent law enforcement or judicial authorities.

Or. en

Amendment 585

Marina Kaljurand

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 586 Rob Rooker

Proposal for a regulation Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a.

Compensation for erroneous removal of content

Online platforms shall compensate users for wrongful termination of services pursuant to Article 20(1) or (2). An online platform shall be liable to pay minimum compensation for termination of service under Article 20(1), amounting to EUR 1 000 where the user is a natural person and EUR 2 500 per day where the user is a business entity. This shall be without prejudice to the right of the user to seek reimbursement of actual damages. An online platform shall be liable to pay minimum compensation of EUR 5 000 for termination of service under Article 20(2).

Or. nl

Amendment 587 Tomas Tobé

Proposal for a regulation

Article 22 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 588

Marina Kaljurand

Proposal for a regulation

Article 22 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) ***the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted after the receipt of multiple orders to act, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints;***

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

Or. en

Amendment 589

Tomas Tobé

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 590
Clare Daly

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 591
Fabienne Keller, Nathalie Loiseau, Olivier Chastel, Hilde Vautmans, Maite Pagazaurtundúa

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

Text proposed by the Commission

Amendment

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

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

Amendment 592

Clare Daly

Proposal for a regulation

Article 23 – paragraph 1 – point c

Text proposed by the Commission

(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.

Amendment

(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied, ***including human review. This shall include meaningful information about the procedure followed, the technology used and the criteria and reasoning supporting decisions, as well as the logic involved in the automated decision-making***

Or. en

Amendment 593

Sylvie Guillaume

Proposal for a regulation

Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Transparency in modifications to algorithms

1. Online service providers shall be transparent with regard to modifications to their rules on referencing and recommendations - even if applied experimentally - and shall immediately inform the regulators, their users and the authors of any referenced content of such modifications, enabling the modifications to be visible to whomever they concern.

2. Users may ask the regulator to rule on any negative impact of modifications to the rules on referencing and recommendation, thereby enabling the regulator to require the platform to rectify the situation.

Or. fr

Amendment 594
Sophia in 't Veld

Proposal for a regulation
Article 24 – title

Text proposed by the Commission

Online advertising transparency

Amendment

Online advertising transparency ***and control***

Or. en

Amendment 595
Paul Tang

Proposal for a regulation
Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

Online platforms that ***directly or indirectly*** display advertising on their online interfaces ***or parts thereof*** shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual ***consumer***, in a clear, ***concise but meaningful, uniform*** and unambiguous manner and in real time:

Or. en

Amendment 596
Paul Tang

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

Text proposed by the Commission

(a) that the information displayed is an advertisement;

Amendment

(a) that the information displayed is an advertisement ***and whether the advertisement is a result of an automated mechanism, such as an advertising exchange mechanism;***

Or. en

Amendment 597
Anna Júlia Donáth, Fabienne Keller

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

Text proposed by the Commission

(a) that the information displayed is an advertisement;

Amendment

(a) that the information displayed ***on the interface or parts thereof*** is an ***online*** advertisement, ***including through prominent and harmonised marking;***

Or. en

Amendment 598
Anna Júlia Donáth, Fabienne Keller

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 599

Paul Tang

Proposal for a regulation

Article 24 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 600

Paul Tang

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) whether the advertising is based on any form of targeting; and

Or. en

Amendment 601

Paul Tang

Proposal for a regulation

Article 24 – paragraph 1 – point c

Text proposed by the Commission

Amendment

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

(c) meaningful, ***granular and specific*** information about the parameters used to ***target and display the advertisement, which allows the consumer to determine why and how*** the advertisement ***in question was shown to him or her. This information shall include categories of data that targeted forms of advertising would use to address and categorise consumers and the data platforms share with advertisers for advertising targeting***

purposes.

Or. en

Amendment 602

Sophia in 't Veld

Proposal for a regulation

Article 24 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) **clear**, meaningful **and uniform** information about the main parameters used to determine the recipient to whom the advertisement is displayed **and the logic involved**.

Or. en

Amendment 603

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation

Article 24 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) **clear**, meaningful **and uniform** information about the parameters used to determine the recipient to whom the advertisement is displayed;

Or. en

Amendment 604

Beata Kempa, Patryk Jaki

Proposal for a regulation

Article 24 – paragraph 1 – point c

Text proposed by the Commission

(c) meaningful information about **the**

Amendment

(c) meaningful information about **all**

main parameters used to determine the recipient to whom the advertisement is displayed.

parameters used to determine the recipient to whom the advertisement is displayed.

Or. en

Amendment 605
Anna Júlia Donáth

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

Text proposed by the Commission

Amendment

(c a) if the advertisement was displayed using an automated tool and the identity of the person responsible for that tool;

Or. en

Amendment 606
Paul Tang

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

Text proposed by the Commission

Amendment

(c a) The remuneration that is given by the advertiser;

Or. en

Amendment 607
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

2.The online platform shall design and organise its online interface in such a way that recipients of the

service can easily and efficiently exercise their rights under applicable Union law in relation to the processing of their personal data for each specific advertisement displayed to him or her on the platform, in particular:

(a) To withdraw consent or to object to processing

(b) To obtain access to the personal data concerning him or her

(c) To obtain rectification of inaccurate personal data concerning him or her

(d) To obtain erasure of personal data without undue delay

Where a recipient exercises any of these rights, the online platform must inform any parties to whom the personal data concerned in points (a)-(d) have been enclosed in accordance with Article 19 of Regulation (EU) 2016/679.

Or. en

Amendment 608
Anna Júlia Donáth

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

Text proposed by the Commission

Amendment

The Commission shall adopt an implementing act establishing harmonised specifications for the marking referred to in paragraph 1(a) of this Article.

Or. en

Amendment 609
Sophia in 't Veld

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

Text proposed by the Commission

Amendment

3. Where a recipient exercises any of the rights referred to points (a),(c) or (d) in paragraph 2, the online platform must immediately cease displaying advertisements using the personal data concerned or using parameters which were set using this data.

Or. en

Amendment 610
Anna Júlia Donáth

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

Text proposed by the Commission

Amendment

Providers of intermediary services shall inform the natural or legal person on whose behalf the advertisement is displayed where the advertisement has been displayed.

Or. en

Amendment 611
Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24 a

Recipients' consent for advertising practices

1. Providers of intermediary services shall, by default, not make the recipients of their services subject to targeted, micro targeted and behavioural advertising unless the recipient of the service has

expressed a freely given, specific, informed and unambiguous consent. Providers of intermediary services shall ensure that recipients of services can easily make an informed choice when expressing their consent by providing them with meaningful information, including information about the value of giving access to and about the use of their data.

2. When asking for the consent of recipients of their services considered as vulnerable consumers, providers of intermediary services shall implement all the necessary measures to ensure that such consumers have received enough and relevant information before they give their consent.

3. When processing data for targeted, micro-targeted and behavioural advertising, online intermediaries shall comply with relevant Union law and shall not engage in activities that can lead to pervasive tracking, such as disproportionate combination of data collected by platforms, or disproportionate processing of special categories of data that might be used to exploit vulnerabilities.

4. Providers of intermediary services shall organise their online interface in such a way that recipients of services, in particular those considered as vulnerable consumers, can easily and efficiently access and modify advertising parameters. Providers of intermediary services shall monitor the use of advertising parameters by recipients of services on a regular basis and make best efforts to improve their awareness about the possibility to modify those parameters.

Or. en

Amendment 612
Beata Kempa, Patryk Jaki

Proposal for a regulation
Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24 a

2. Online platforms shall present personalised advertising only on the basis of data explicitly provided to them or declared by recipients of services and provided that they have granted consent for the use of this data for the purposes of delivering personalised advertising

Or. en

Amendment 613
Beata Kempa, Patryk Jaki

Proposal for a regulation
Article 24 b (new)

Text proposed by the Commission

Amendment

Article 24 b

3. Online platforms that use algorithms to deliver advertisements shall set out in their terms and conditions relevant information on the functioning of these algorithms including main criteria used by the algorithm, categories and sources of input data.

Or. en

Amendment 614
Clare Daly

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

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.

number of average monthly active recipients of the service in the Union equal to or higher than **4.5** million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Or. en

Amendment 615

Clare Daly

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 616

Paul Tang

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt delegated acts in accordance with Article

Amendment

3. The Commission shall adopt delegated acts in accordance with Article

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

69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active recipients of the service in the Union ***and emerging very large online platforms***, for the purposes of paragraph 1. The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active recipients of the service in the Union, taking into account different accessibility features.

Or. en

Amendment 617
Sylvie Guillaume

Proposal for a regulation
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Neutrality requirement

Very large online platforms shall be subject to a political, ideological and religious neutrality requirement and may not display bias in terms of opinions, ideas or political parties.

Or. fr

Amendment 618
Clare Daly

Proposal for a regulation
Article 26

Text proposed by the Commission

Amendment

Article 26

deleted

Risk assessment

1. Very large online platforms shall

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

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

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

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

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

Or. en

Amendment 619
Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), ***on an ongoing basis, the probability and severity of any*** systemic risks stemming from the ***design***, functioning and use made of their services in the Union ***including disproportionate systemic risks at the level of Member State***. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

Amendment 620

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Ondřej Kovařík, Sophia in 't Veld

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 621

Paul Tang

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 622

Sophia in 't Veld

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), ***on an ongoing basis, the probability and severity of*** any significant systemic risks stemming from the ***design***, functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

Amendment 623

Marina Kaljurand

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), ***on an ongoing basis, the probability and severity of*** any significant systemic risks stemming from the ***design***, functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

Amendment 624
Marina Kaljurand

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

Text proposed by the Commission

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

Amendment

(b) any negative effects for ***privacy, protection of personal data, discrimination, equality and the rights of children as prescribed in Union or Member State law***;

Or. en

Amendment 625
Sophia in 't Veld

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

Text proposed by the Commission

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of

Amendment

(b) any negative effects for the exercise of ***any of the fundamental rights listed in the Charter, in particular on the***

expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

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

Or. en

Amendment 626

Rob Rooker

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) In carrying out risk assessment, very large online platforms shall pay particular attention to their general terms and conditions, regardless of their form or name, and consider how these general terms and conditions relate to the right to freedom of expression, as laid down in Article 11 of the Charter and Article 10 of the ECHR. Very large online platforms shall also closely comply with ECHR case law. They shall ensure that their general terms and conditions do not limit freedom of expression beyond the limits set by law;

Or. nl

Amendment 627

Annalisa Tardino

Proposal for a regulation

Article 26 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public

(c) intentional manipulation of their service, with an actual or foreseeable negative effect on the protection of public health, minors and public security.

health, minors, *civic discourse, or actual or foreseeable effects related to electoral processes* and public security.

Or. en

Amendment 628
Marina Kaljurand

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 629
Vladimír Bilčík, Lena Düpont

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

Text proposed by the Commission

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

Amendment

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

Amendment 630

Rob Rooken

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

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

Amendment

2. ***In carrying out risk assessment***, very large online platforms shall ***pay particular attention to their terms and conditions, regardless of their form or name, and see how they relate to the right to freedom of expression, as laid down in Article 11 of the Charter and Article 10 of the ECHR. They shall also closely comply with ECHR case law. They shall ensure that their terms and conditions do not limit freedom of expression beyond the limits set by law;***

Or. nl

Amendment 631

Annalisa Tardino

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

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

Amendment

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1,

Or. en

Amendment 632

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 633

Marina Kaljurand

Proposal for a regulation

Article 26 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 634

Rob Rooken

Proposal for a regulation

Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a.

Very large online platforms shall not remove content or restrict access to their platform under their own authority unless the user is manifestly distributing illegal content.

Removal of content or the restriction of access to the platform in the event of systematic or non-systematic distribution of illegal content may be authorised only through a court order.

Or. nl

Amendment 635

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 27 – title

Text proposed by the Commission

Amendment

27 ***Mitigation of risks***

27 ***Specific measures to mitigate risks***

Or. en

Amendment 636

Marina Kaljurand

Proposal for a regulation

Article 27 – title

Text proposed by the Commission

Amendment

Mitigation of risks

Specific measures

Or. en

Amendment 637
Vladimír Bilčík, Lena Düpont

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. ***Without prejudice to the due diligence requirements set out in Chapter III of this Regulation,*** very large online platforms shall put in place **appropriate**, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, **as** applicable:

Or. en

Amendment 638
Tomas Tobé

Proposal for a regulation
Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 639
Paul Tang, Marina Kaljurand

Proposal for a regulation
Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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:

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

Or. en

Amendment 640

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 641

Sophia in 't Veld

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 642

Clare Daly

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Very large online platforms ***may*** put in place reasonable, proportionate and effective measures, ***in order to address the dissemination of illegal content through their services***. Such measures may include, where applicable:

Or. en

Amendment 643

Marina Kaljurand

Proposal for a regulation

Article 27 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

1. Very large online platforms ***may*** put in place reasonable, proportionate and effective ***specific*** measures to ***address the dissemination of illegal content through their services***. Such measures may include, where applicable:

Or. en

Amendment 644

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 27 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

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

conditions;

Or. en

Amendment 645
Vladimír Bilčík, Lena Düpont

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 646
Marina Kaljurand, Paul Tang

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

Text proposed by the Commission

Amendment

(a a) appropriate technical and operational measures or capacities, such as appropriate staffing or technical means to expeditiously remove or disable access to illegal content the platform is aware of, or has received an order to act upon;

Or. en

Amendment 647
Marina Kaljurand, Paul Tang

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

Text proposed by the Commission

Amendment

(a b) easily accessible and user-friendly mechanisms for users to report or flag allegedly illegal content, and mechanisms for user moderation;

Or. en

Amendment 648

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 27 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) targeted measures aimed at limiting the display of advertisements ***in association with the service they provide;***

(b) targeted measures aimed at ***discontinuing or at least*** limiting the display of advertisements ***for specific content;***

Or. en

Amendment 649

Clare Daly

Proposal for a regulation

Article 27 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) ***targeted measures aimed at*** limiting the display of advertisements in association with the service they provide;

(b) limiting the display of advertisements in association with the service they provide;

Or. en

Amendment 650

Clare Daly

Proposal for a regulation

Article 27 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

(c) reinforcing the internal processes or supervision of any of their activities.

Or. en

Amendment 651
Marina Kaljurand

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

Text proposed by the Commission

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

Amendment

(c) reinforcing the internal processes or supervision of any of their activities;

Or. en

Amendment 652
Vladimír Bilčík, Lena Düpont

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 653
Clare Daly

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 654
Annalisa Tardino

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 655
Marina Kaljurand

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 656
Clare Daly

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 657

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 27 – paragraph 1 – point e

Text proposed by the Commission

Amendment

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

(e) initiating or adjusting cooperation with other online platforms through the codes of conduct and the crisis protocols referred to in Article 35 and 37 respectively **as well as other relevant self-regulatory measures.**

Or. en

Amendment 658

Paul Tang, Marina Kaljurand

Proposal for a regulation

Article 27 – paragraph 1 – point e

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 659

Sophia in 't Veld

Proposal for a regulation

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where a very large online platform decides not to put in place any of the mitigating measures listed in Article 27(1), it shall provide a written explanation that describes the reasons why those measures were not put in place, which shall be provided to the independent auditors in order to prepare the audit report in Article 28(3).

Or. en

Amendment 660

Marina Kaljurand

Proposal for a regulation

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where a very large online platform decides not to put in place any of the mitigating measures listed in article 27.1, it shall provide a written explanation that describes the reasons why those measures were not put in place, which shall be provided to the independent auditors in order to prepare the audit report in article 28.3.

Or. en

Amendment 661

Jorge Buxadé Villalba

Proposal for a regulation

Article 27 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. During election periods, such platforms may not, under any circumstances, moderate non-illegal content in the Member State in which the service is rendered.

Or. es

Amendment 662
Marina Kaljurand

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the following:

deleted

(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;

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

Or. en

Amendment 663
Clare Daly

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. The Board, in cooperation with the Commission, shall publish comprehensive

deleted

reports, once a year, which shall include the following:

(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;

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

Or. en

Amendment 664
Annalisa Tardino

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the following: *deleted*

(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;

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

Or. en

Amendment 665
Annalisa Tardino

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(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;**

deleted

Or. en

Amendment 666

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(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;

(a) identification and assessment of the 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;

Or. en

Amendment 667

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 27 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(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

(a) identification and assessment of **each of** the 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;

33;

Or. en

Amendment 668

Sophia in 't Veld

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 ***each of the*** 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;

Or. en

Amendment 669

Annalisa Tardino

Proposal for a regulation

Article 27 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 670

Paul Tang, Marina Kaljurand

Proposal for a regulation

Article 27 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 671
Annalisa Tardino

Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 672
Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Fabienne Keller, Abir Al-Sahlani, Sophia in 't Veld

Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

Amendment

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

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

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

measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. ***Before adopting*** those guidelines the Commission shall organise public consultations ***and ask for the consent of the European Parliament.***

Or. en

Amendment 673
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 674
Clare Daly

Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 675
Marina Kaljurand

Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 676
Marina Kaljurand

Proposal for a regulation
Article 27 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. After establishing that a very large online platform has received a substantial number of orders to act, the competent Digital Services Coordinator may request necessary, proportionate and effective

additional specific measures that the platform is obliged to implement. The competent Digital Services Coordinator shall not impose a general monitoring obligation or the use of automated tools. The request shall take into account, in particular, the technical feasibility of the measures, the size and economic capacity of the platform and the effect of such measures on the fundamental rights of the users and on the freedom of expression and the freedom to receive and impart information and ideas in an open and democratic society. Such a request shall be sent by the Digital Services Coordinator of the Member State in which the platform has its main establishment, or, if not established in the Union, its legal representative. The platform may, at any time, request the competent Digital Services Coordinator to review and, where appropriate, revoke such request.

Or. en

Amendment 677
Clare Daly

Proposal for a regulation
Article 28

Text proposed by the Commission

Amendment

Article 28

deleted

Independent audit

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

- (a) the obligations set out in Chapter III;*
- (b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.*

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

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

(b) have proven expertise in the area of risk management, technical competence and capabilities;

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

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

(a) the name, address and the point of contact of the very large online platform subject to the audit and the period covered;

(b) the name and address of the organisation performing the audit;

(c) a description of the specific elements audited, and the methodology applied;

(d) a description of the main findings drawn from the audit;

(e) an audit opinion on whether the very large online platform subject to the audit complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;

(f) where the audit opinion is not positive, operational recommendations on specific measures to achieve compliance.

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

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

Or. en

Amendment 678

Paul Tang, Marina Kaljurand

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 679

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 680

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 681

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 682

Sophia in 't Veld

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) the obligations set out in Chapter III;

Amendment

(a) the obligations set out in Chapter III, ***in particular the quality of the identification, analysis and assessment of the risks referred to in Article 26, and the necessity, proportionality and effectiveness of the risk mitigation measures referred to in Article 27;***

Or. en

Amendment 683

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) the obligations set out in Chapter III;

Amendment

(a) the obligations set out in Chapter III; ***in particular the quality of the identification, analysis and assessment of the risks referred to in Article 26, and the necessity, proportionality and effectiveness of the risk mitigation measures referred to in Article 27***

Or. en

Amendment 684

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 1 – point a

Text proposed by the Commission

(a) the obligations set out in Chapter III;

Amendment

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

Or. en

Amendment 685

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) Adequacy of the risk assessment undertaken pursuant to Article 26.1 and the corresponding risk mitigation measures undertaken pursuant to Article 27.1;

Or. en

Amendment 686

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 687

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) any commitments undertaken pursuant to codes of conduct ***and self- or co-regulatory actions that they have undertaken.***

Or. en

Amendment 688

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. Audits performed pursuant to paragraph 1 shall be performed by ***expert*** organisations, ***previously vetted by the Board,*** which:

Amendment 689

Paul Tang, Marina Kaljurand

Proposal for a regulation

Article 28 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. Audits performed pursuant to paragraph 1 shall be performed by organisations, ***vett***~~ed~~***ed by the Board***, which:

Or. en

Amendment 690

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) are independent from the very large online platform concerned ***as well as from other very large online platforms***;

Or. en

Amendment 691

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) are independent from ***and do not have conflicts of interest with*** the very large online platform concerned;

Or. en

Amendment 692

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 2 – point b

Text proposed by the Commission

(b) have ***proven*** expertise in the area of risk management, technical competence and capabilities;

Amendment

(b) have ***demonstrated*** expertise in the area of risk management, technical competence and capabilities, ***and, where applicable, can demonstrably draw upon expertise in fields related to the risks investigated or related research methodologies;***

Or. en

Amendment 693

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 694

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 3 – introductory part

Text proposed by the Commission

3. The organisations that perform the audits shall establish ***an*** audit report for each audit. The report shall be in writing

Amendment

3. The organisations that perform the audits shall establish ***a meaningful, granular, comprehensive and independent*** audit report for each audit. The report shall

and include at least the following:

be in writing and include at least the following:

Or. en

Amendment 695

Paul Tang, Marina Kaljurand

Proposal for a regulation

Article 28 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

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

3. The organisations that perform the audits shall establish **a meaningful, granular, comprehensive** audit report for each audit. The report shall be in writing and include at least the following:

Or. en

Amendment 696

Marina Kaljurand, Christel Schaldemose, Paul Tang

Proposal for a regulation

Article 28 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) a description of the main findings drawn from the audit;

(d) a description of the main findings drawn from the audit **and a summary of the main findings**;

Or. en

Amendment 697

Marina Kaljurand, Christel Schaldemose, Paul Tang

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(d a) a description of specific elements

that could not be audited to the auditor's satisfaction, and an explanation of why these elements could not be audited;

Or. en

Amendment 698

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 3 – point d b (new)

Text proposed by the Commission

Amendment

(d b) a description of the third-parties consulted to inform the audit;

Or. en

Amendment 699

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) an audit opinion on whether the very large online platform subject to the audit complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;

(e) an audit opinion on whether the very large online platform subject to the audit **meaningfully** complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;

Or. en

Amendment 700

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(f a) where the audit opinion could not reach a conclusion for specific elements within the scope of the audit, a statement of reasons for the failure to reach such a conclusive opinion.

Or. en

Amendment 701
Sophia in 't Veld

Proposal for a regulation
Article 28 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(f a) a description of specific elements that could not be audited, and an explanation of why these could not be audited;

Or. en

Amendment 702
Sophia in 't Veld

Proposal for a regulation
Article 28 – paragraph 3 – point f b (new)

Text proposed by the Commission

Amendment

(f b) where the audit opinion could not reach a conclusion for specific elements within the scope of the audit, a statement of reasons for the failure to reach such a conclusive opinion;

Or. en

Amendment 703
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 28 – paragraph 3 – point f b (new)

(f b) a description of specific elements that could not be audited, and an explanation of why these could not be audited.

Or. en

Amendment 704

Marina Kaljurand, Christel Schaldemose, Paul Tang

Proposal for a regulation

Article 28 – paragraph 4

Text proposed by the Commission

Amendment

4. Very large online platforms receiving an audit report that *is not positive* shall ***take due account of any operational*** recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

4. ***Very large online platforms shall ensure auditors have access to all relevant information to perform their duties.*** Very large online platforms receiving an audit report that ***contains evidence of wrongdoings*** shall ***ensure to apply the*** recommendations addressed to them with a view to take ***all*** the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

Or. en

Amendment 705

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 4 – subparagraph 1 (new)

Auditors shall submit their audit report to the Board at the same time as the very large online platform concerned. Within a reasonable period of time, the Board shall issue recommendations, monitor the implementation of the report and suggest the adoption of sanctions by the competent Digital Service Coordinator when the very large online platform fails to abide by the Regulation.

Or. en

Amendment 706

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 4 – point 1 (new)

Text proposed by the Commission

Amendment

(1) The Board, after consulting stakeholders and the Commission, shall publish guidelines about how audits should be conducted by the auditors, how they should be implemented by very large online platforms and how authorities will monitor and enforce the Regulation in this regard.

Or. en

Amendment 707

Marina Kaljurand, Christel Schaldemose

Proposal for a regulation

Article 28 – paragraph 4 – point 2 (new)

Text proposed by the Commission

Amendment

(2) The Board shall publish and regularly update a list of vetted auditors that very large online platforms can resort to. The Board shall publish and regularly

review detailed criteria auditors need to meet.

Or. en

Amendment 708
Clare Daly

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, ***meaningful information as to the logic involved***, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available. ***Online platforms shall ensure consumers are not profiled by default, unless consumers genuinely opt-in, in line with the requirements established under Regulation (EU) 2016/679. Online platforms shall not subvert or impair consumers' autonomy, decision-making, or choice via the structure, function or manner of operation of their online interface or any part thereof.***

Or. en

Amendment 709
Marina Kaljurand

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Very large online platforms that use recommender systems shall set out in their

Amendment

1. Very large online platforms that use recommender systems shall set out in their

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

terms and conditions, in a clear, accessible and easily comprehensible manner, ***meaningful information about the logic involved and*** the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including ***the provision of*** at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679. ***Basing recommender systems on profiling shall require the explicit consent of the recipient, as defined in Article 4, point (11), of Regulation (EU) 2016/679.***

Or. en

Amendment 710

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Very large online platforms that use recommender systems ***or any other systems used to determine the order of presentation of content, including that which decrease the visibility of content,*** shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in ***these*** systems

Or. en

Amendment 711

Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 712
Paul Tang

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 713
Sylvie Guillaume

Proposal for a regulation
Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Very large online platforms which use recommender systems shall be obliged to promote the reliability of information (due prominence obligation) by putting in place mechanisms referring to a standard of self-regulation and aimed at highlighting information sources which comply with standardised professional and ethical standards of self-regulation and giving them preferential treatment in terms of content prioritisation.

Or. fr

Amendment 714
Paul Tang

Proposal for a regulation
Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The parameters referred to in paragraph 1 shall include, at a minimum:
(a) the recommendation criteria used by the relevant system;
(b) how these criteria are weighted against each other;
(c) what goals the relevant system has been optimised for, and;
(d) if applicable, explanation of the role that the behaviour of the recipients of the service plays in how the relevant system produces its outputs.

Or. en

Amendment 715

Proposal for a regulation

Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. 2. The main parameters referred to in paragraph 1 shall include, at minimum:

(a) the main criteria used by the relevant recommender system,

(b) how these criteria are weighted against each other,

(c) the optimisation goal of the relevant recommender system,

(d) explanation of the role that the behaviour of the recipients of the service plays in how the relevant recommender system functions.

Or. en

Amendment 716

Marina Kaljurand

Proposal for a regulation

Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Very large online platforms that use recommender systems shall allow the recipient of the service to have information presented to them in a chronological order only and alternatively, where technically possible, to use third-party recommender systems. Third-party recommender systems shall have access to the same information that is available to the recommender systems used by the platform.

Or. en

Amendment 717

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 29 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. 3. Very large online platforms shall provide options for the recipients of the service to modify or influence parameters referred to in paragraph 2, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679

Or. en

Amendment 718

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 29 – paragraph 2

Text proposed by the Commission

Amendment

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

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible **and user-friendly** functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them **including the option not to apply any recommender systems and to have the content shown in chronological order.**

Or. en

Amendment 719

Paul Tang

Proposal for a regulation

Article 29 – paragraph 2

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

2. Online platforms ***referred to in paragraph 1*** shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them. ***Online platforms shall ensure that the option that is activated by default is not based on profiling within the meaning of Article 4(4) Regulation(EU) 2016/679.***

Or. en

Amendment 720

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 29 – paragraph 2

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

2. Very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service:

a) to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them,

b) to select third party recommender systems.

Or. en

Amendment 721

Paul Tang

Proposal for a regulation

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 722

Clare Daly

Proposal for a regulation

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. *Very large online platforms that use recommender systems shall, by default, allow the recipient of the service to have information presented to them in chronological order only or, alternatively, where technically possible, to use third-party recommender systems.*

Or. en

Amendment 723

Paul Tang

Proposal for a regulation

Article 29 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 724
Clare Daly

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

Text proposed by the Commission

Amendment

2 b. By way of derogation from Article 16, this Article shall apply to all online platforms, regardless of their size.

Or. en

Amendment 725
Clare Daly

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

Amendment

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

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces.

Amendment 726

Clare Daly

Proposal for a regulation

Article 30 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ***the content of*** the advertisement;

(a) the advertisement;

Or. en

Amendment 727

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Ondřej Kovařík

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

(b) the natural or legal person on whose behalf the advertisement is displayed, ***unless that information concerns providers of intermediary services that qualify as micro, small or medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC;***

Or. en

Amendment 728

Paul Tang

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

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

financed the advertisement;

Or. en

Amendment 729
Anna Júlia Donáth

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

Text proposed by the Commission

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

Amendment

(b) The natural or legal person on whose behalf the advertisement is displayed *and any related payments received;*

Or. en

Amendment 730
Paul Tang

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

Text proposed by the Commission

Amendment

(c a) The remuneration that has been paid by the advertiser and the remuneration the online platform earned;

Or. en

Amendment 731
Clare Daly

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

Text proposed by the Commission

(d) *whether the advertisement was intended to be displayed specifically to one or more particular groups of*

Amendment

(d) *the selected contexts in which the ad was displayed*

recipients of the service and if so, the main parameters used for that purpose;

Or. en

Amendment 732

Paul Tang

Proposal for a regulation

Article 30 – paragraph 2 – point d

Text proposed by the Commission

(d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, the main parameters used for that purpose;

Amendment

(d) whether the advertisement was intended to ***exclude or*** be displayed specifically to one or more particular groups of recipients of the service and if so, the main parameters used for that purpose;

Or. en

Amendment 733

Clare Daly

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Very large online platforms shall provide the Digital Services Coordinator of establishment, upon their request and ***without delay***, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator shall only use that data for those purposes.

Or. en

Amendment 734

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Olivier Chastel, Abir Al-Sahlani, Sophia in 't Veld

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 735

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 736

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 737
Sophia in 't Veld

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 738
Marina Kaljurand

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research *in the public interest.*

Or. en

Amendment 739
Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 740
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification, understanding **and mitigation**, of systemic risks as set out in **Articles 26 and 27**

Or. en

Amendment 741
Clare Daly

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 742

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Amendment 743

Marina Kaljurand

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 744

Clare Daly

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

Amendment

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online

3. Very large online platforms shall provide access to data pursuant to paragraph 1 through online databases or

databases or application programming interfaces, as appropriate.

application programming interfaces, as appropriate.

Or. en

Amendment 745

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation

Article 31 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Upon request by the recipient of the service, or at least once a year, very large online platforms shall make available to the recipient of the service comprehensive information about the data concerning the recipient of the service that was used in the previous year. The information shall encompass a listing of the data that was collected, how it was used and with what third parties it was shared. Online platforms shall present this information in a way that makes it easy to understand.

Or. en

Amendment 746

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 31 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

corresponding to each request.

Or. en

Amendment 747

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 31 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 748

Clare Daly

Proposal for a regulation

Article 31 – paragraph 5

Text proposed by the Commission

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

Amendment

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

concerned, including the protection of confidential information, *in particular trade secrets*, and maintaining the security of their service.

of confidential information, and maintaining the security of their service.

Or. en

Amendment 749

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation Article 31 – paragraph 5

Text proposed by the Commission

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

Amendment

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1, *2 and 3a* and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

Or. en

Amendment 750

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation Article 31 – paragraph 5

Text proposed by the Commission

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under

Amendment

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under

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

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

Or. en

Amendment 751
Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 31 – paragraph 6 – introductory part

Text proposed by the Commission

6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following **two** reasons:

Amendment

6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following **three** reasons:

Or. en

Amendment 752
Clare Daly

Proposal for a regulation
Article 31 – paragraph 6 – introductory part

Text proposed by the Commission

6. Within **15** days following receipt of

Amendment

6. Within **3** days following receipt of

a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because *one of following two reasons*:

a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because

Or. en

Amendment 753

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 31 – paragraph 6 – introductory part

Text proposed by the Commission

6. Within 15 days following receipt of a request as referred to in paragraph 1 *and* 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:

Amendment

6. Within 15 days following receipt of a request as referred to in paragraph 1, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:

Or. en

Amendment 754

Clare Daly

Proposal for a regulation

Article 31 – paragraph 6 – point b

Text proposed by the Commission

(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.

Amendment

deleted

Or. en

Amendment 755

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 31 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(b a) insofar as personal data is concerned, giving access to the data would violate applicable Union or national data protection law.

Or. en

Amendment 756

Clare Daly

Proposal for a regulation

Article 31 – paragraph 7

Text proposed by the Commission

Amendment

7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request. ***deleted***

The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.

Or. en

Amendment 757

Vladimír Bilčík, Lena Düpont

Proposal for a regulation
Article 31 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Upon completion of the research envisaged in Article 31(2), the vetted researchers shall make their research publicly available, taking into account the rights and interests of the recipients of the service concerned in compliance with Regulation (EU) 2019/679.

Or. en

Amendment 758
Marina Kaljurand

Proposal for a regulation
Article 31 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. Upon completion of their research, the vetted researchers, who have been granted access to the data, shall publish their findings.

Or. en

Amendment 759
Annalisa Tardino

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

Amendment

2. Very large online platforms shall only designate as compliance officers persons who have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 3. Compliance officers may either be staff members of, or fulfil those tasks on the basis of a contract with, the

2. Very large online platforms shall only designate as compliance officers persons who have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 3. Compliance officers may either be staff members of, or fulfil those tasks on the basis of a contract with, the

very large online platform concerned.

very large online platform concerned.
Compliance officers shall have a deep knowledge of the existing legal framework on freedom of expression.

Or. en

Amendment 760
Marina Kaljurand

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

2. Very large online platforms shall only designate ***as compliance officers*** persons who have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 3. Compliance officers may either be staff members of, or fulfil those tasks on the basis of a contract with, the very large online platform concerned.

Amendment

2. Very large online platforms shall only designate persons who have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 3 ***as compliance officers***. Compliance officers may either be staff members of, or fulfil those tasks on the basis of a contract with, the very large online platform concerned.

Or. en

Amendment 761
Clare Daly

Proposal for a regulation
Article 32 – paragraph 3 – point a

Text proposed by the Commission

(a) cooperating with the Digital Services Coordinator of establishment and the ***Commission*** for the purpose of this Regulation;

Amendment

(a) cooperating with the Digital Services Coordinator of establishment and the ***Board*** for the purpose of this Regulation;

Or. en

Amendment 762
Clare Daly

Proposal for a regulation
Article 32 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) organising and supervising the very large online platform's activities relating to the independent audit pursuant to Article 28;

deleted

Or. en

Amendment 763
Annalisa Tardino

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

Amendment

4. Very large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.

4. Very large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent **and non politicized** manner.

Or. en

Amendment 764
Clare Daly

Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

Amendment

2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):

deleted

- (a) a report setting out the results of the risk assessment pursuant to Article 26;*
- (b) the related risk mitigation measures identified and implemented pursuant to Article 27;*
- (c) the audit report provided for in Article 28(3);*
- (d) the audit implementation report provided for in Article 28(4).*

Or. en

Amendment 765
Marina Kaljurand

Proposal for a regulation
Article 33 – paragraph 2 – point a

Text proposed by the Commission

Amendment

- (a) a report setting out the results of the risk assessment pursuant to Article 26;* *deleted*

Or. en

Amendment 766
Marina Kaljurand

Proposal for a regulation
Article 33 – paragraph 2 – point b

Text proposed by the Commission

Amendment

- (b) the *related risk mitigation* measures *identified and* implemented pursuant to Article 27;
- (b) the *specific* measures implemented pursuant to Article 27;

Or. en

Amendment 767
Sylvie Guillaume

Proposal for a regulation
Article 33 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) an audit report on the algorithms used for referencing, personalising and content moderation.

Or. fr

Amendment 768
Clare Daly

Proposal for a regulation
Article 33 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Amendment 769
Marina Kaljurand, Christel Schaldemose

Proposal for a regulation
Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

Interoperability

1. By 31 December 2024 very large online platforms shall make the main functionalities of their services interoperable with other online platforms to enable cross-platform exchange of information. This obligation shall not limit, hinder or delay their ability to solve security issues. Very large online platforms shall publicly document all application programming interfaces they make available.

2. The Commission shall adopt implementing measures specifying the nature and scope of the obligations set out in paragraph 1.

Or. en

Amendment 770
Annalisa Tardino

Proposal for a regulation
Article 34 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces; ***deleted***

Or. en

Amendment 771
Clare Daly

Proposal for a regulation
Article 34 – paragraph 1 – point d

Text proposed by the Commission

Amendment

**(d) auditing of very large online
platforms pursuant to Article 28;**

deleted

Or. en

Amendment 772

Caterina Chinnici, Hilde Vautmans, David Lega, Javier Moreno Sánchez, Antonio López-Istúriz White, Dragoş Pîslaru, Eva Kaili, Josianne Cutajar, Ioan-Rareş Bogdan, Milan Brglez, Fabienne Keller

Proposal for a regulation

Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. 2 (new). The Commission shall support and promote the development and implementation of industry standards set by relevant European and international standardisation bodies for the protection and promotion of the rights of the child, observance of which, once adopted, will be mandatory, at least for the following:

a. age assurance and age verification pursuant to Articles 12 a (new) and 12 b (new) and 13;

b. child impact assessments pursuant to Articles 12 a (new) and 13;

c. age-appropriate terms and conditions pursuant to Article 12;

d. child-centred design pursuant to Articles 12 b (new) and 13.

Or. en

Amendment 773

Clare Daly

Proposal for a regulation

Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Codes of conduct

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

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

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

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

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

Or. en

Amendment 774

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 775

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Commission and the Board shall ***have the right to request*** and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks,

Union law, in particular on competition and the protection of personal data.

in accordance with Union law, in particular on competition and the protection of personal data.

Or. en

Amendment 776

Tomas Tobé

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 777

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **may invite** the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the

Amendment

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **shall request** the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the

drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

Amendment 778

Tomas Tobé

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 779

Vladimír Bilčík, Lena Düpont

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Where systemic **risks** within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **shall** invite the

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

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

Or. en

Amendment 780
Tomas Tobé

Proposal for a regulation
Article 35 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 781
Clare Daly

Proposal for a regulation
Article 36

Text proposed by the Commission

Article 36

Codes of conduct for online advertising

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online

Amendment

deleted

advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

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

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

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

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

Or. en

Amendment 782
Marina Kaljurand

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

1. The Commission shall encourage and facilitate the drawing up of codes of

Amendment

1. The Commission shall encourage and facilitate the drawing up of codes of

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

conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles **13a (new)**, 24 and 30.

Or. en

Amendment 783
Marina Kaljurand

Proposal for a regulation
Article 36 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 784
Marina Kaljurand

Proposal for a regulation
Article 36 – paragraph 2 – point a

Text proposed by the Commission

(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service

Amendment

(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service

with regard to requirements set in points (b) and (c) of Article 24;

with regard to requirements set in **Articles 13a(new), 13b(new) and** points (b) and (c) of Article 24;

Or. en

Amendment 785

Fabienne Keller, Nathalie Loiseau, Hilde Vautmans, Maite Pagazaurtundúa, Anna Júlia Donáth

**Proposal for a regulation
Article 36 – paragraph 3**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 786

Marina Kaljurand

**Proposal for a regulation
Article 37**

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 787

Clare Daly

**Proposal for a regulation
Article 37**

[...]

deleted

Or. en

Amendment 788

Jorge Buxadé Villalba

Proposal for a regulation

Article 37 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) safeguards to **address** any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;

(e) safeguards to **prevent** any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;

Or. es

Amendment 789

Clare Daly

Proposal for a regulation

Article 38 – paragraph 2 – introductory part

Text proposed by the Commission

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***. 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

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. 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.

consistent application and enforcement of this Regulation throughout the Union.

Or. en

Amendment 790
Anna Júlia Donáth

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

-1 Member States shall not designate the regulatory authorities referred to in Article 30 of the Directive 2010/13/EU of the European Parliament and of the Council on of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services as competent authorities or as Digital Services Coordinator.

Or. en

Justification

The Member States should refrain from designating the same authorities as those designated pursuant to article 30 of the AVMSD in order to avoid providing one single institution with the authority to shape the Member State's entire media landscape and online space.

Amendment 791
Clare Daly

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the Board **and the Commission**, without prejudice to the possibility for Member

For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities **and** the Board, without prejudice to the possibility for Member States to provide

States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator.

for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator.

Or. en

Amendment 792

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Fabienne Keller, Sophia in 't Veld

Proposal for a regulation

Article 38 – paragraph 3 – introductory part

Text proposed by the Commission

3. Member States shall designate the Digital Services Coordinators within two months from the date of entry into force of this Regulation.

Amendment

3. Member States shall designate the Digital Services Coordinators within two months from the date of entry into force of this Regulation. ***When a Member State is subject to a procedure referred to in Article 7(1) or 7(2) of the Treaty on European Union, the Commission shall confirm that the Digital Services Coordinator proposed by that Member State fulfils the requirements laid down in Article 39 before that Digital Services Coordinator can be designated.***

Or. en

Amendment 793

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation

Article 38 – paragraph 3 – subparagraph -1 (new)

Text proposed by the Commission

Amendment

-1 When a Member State is subject to a procedure referred to in Article 7(1) or 7(2) of the Treaty on European Union or against whom a procedure based on Regulation 2020/2092 was initiated, the Commission shall additionally confirm

that the Digital Services Coordinator proposed by that Member State fulfils the requirements laid down in Article 39 before that Digital Services Coordinator can be designated.

Or. en

Amendment 794
Anna Júlia Donáth

Proposal for a regulation
Article 38 – paragraph 3 – subparagraph -1 a (new)

Text proposed by the Commission

Amendment

***-1 a** This paragraph applies *mutatis mutandis* to the certification process for out-of-court dispute settlement bodies as described in Article 18(2) and the award of the status of trusted flagger as described in Article 19(2).*

Or. en

Amendment 795
Anna Júlia Donáth

Proposal for a regulation
Article 39 – paragraph -1 (new)

Text proposed by the Commission

Amendment

***-1.** Member States shall ensure that the Digital Services Coordinators are legally distinct from the government and functionally independent of their respective governments and of any other public or private body.*

Or. en

Amendment 796
Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation
Article 40 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. 4: Member States shall exercise jurisdiction for the purposes of Chapters III and IV of this Regulation where it concerns very large online platforms, as defined in art. 25, which offer services to a significant number of active recipients of the service in a given Member State, which can be calculated on the basis of art. 23(2).

Or. en

Amendment 797
Clare Daly

Proposal for a regulation
Article 40 – paragraph 4

Text proposed by the Commission

Amendment

4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article **50(4) and the second subparagraph of Article 51(2)** and the tasks and powers of the **Commission** under Section 3.

4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article 51(2) and the tasks and powers of the **Board** under Section 3.

Or. en

Amendment 798
Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation
Article 41 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the power to require those providers, as well as any other persons acting for purposes related to their trade,

(a) the power to require those providers, as well as any other persons acting for purposes related to their trade,

business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period;

business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period, ***unless that information is known to be protected by immunities and privileges in accordance with the applicable law;***

Or. en

Amendment 799
Marina Kaljurand

Proposal for a regulation
Article 41 – paragraph 1 – point a

Text proposed by the Commission

(a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period;

Amendment

(a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period, ***with the exception of information covered by professional secrecy requirements;***

Or. en

Amendment 800
Clare Daly

Proposal for a regulation
Article 41 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding;

deleted

Or. en

Amendment 801

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 41 – paragraph 3 – introductory part

Text proposed by the Commission

3. Where needed for carrying out their tasks, Digital Services Coordinators shall also have, in respect of providers of **intermediary** services under the jurisdiction of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:

Amendment

3. Where needed for carrying out their tasks, Digital Services Coordinators shall also have, in respect of providers of **hosting** services under the jurisdiction of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:

Or. en

Amendment 802

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Olivier Chastel, Sophia in 't Veld

Proposal for a regulation

Article 41 – paragraph 3 – point b

Text proposed by the Commission

(b) where the Digital Services Coordinator considers that the provider has not sufficiently complied with the requirements of the first indent, that the infringement persists and causes serious

Amendment

(b) where the Digital Services Coordinator considers that the provider has not sufficiently complied with the requirements of the first indent, that the infringement persists and causes serious

harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

harm, and that the infringement entails a serious criminal offence involving a **direct and imminent** threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access **to that infringement** of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

Or. en

Amendment 803
Clare Daly

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

Text proposed by the Commission

(b) where the Digital Services Coordinator considers that the provider has not **sufficiently** complied with the requirements of the first indent, that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving **a** threat to the life **or safety** of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

Amendment

(b) where the Digital Services Coordinator considers that the provider has not complied with the requirements of the first indent, **or** that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving **an imminent** threat to the life of **a person or** persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

Or. en

Amendment 804
Patrick Breyer

Proposal for a regulation

Article 43 – title

Text proposed by the Commission

Right to lodge a complaint

Amendment

Right to lodge a complaint ***and right to an effective judicial remedy***

Or. en

Amendment 805

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. ***Assessment of the complaint can be supplemented by the opinion of Digital Services Coordinator of the Member State, where the recipient resides or is established, on how the matter should be resolved taking into account national law and socio-cultural context of a given Member State.*** Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

Or. en

Amendment 806

Anna Júlia Donáth, Fabienne Keller

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 807
Clare Daly

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Service Coordinator receiving the complaint shall transmit it to that authority.

Service Coordinator receiving the complaint shall transmit it to that authority, ***and inform the person who lodged the complaint thereof.***

Or. en

Amendment 808
Sylvie Guillaume

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 809
Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation
Article 43 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Pursuant to paragraph 1 the Digital Services Coordinator of establishment in cases concerning complaint transmitted by the Digital Services Coordinator of the

Member State where the recipient resides or is established, should assess the matter in a timely manner and should inform the Digital Services Coordinator of the Member State where the recipient resides or is established, on how the complaint has been handled.

Or. en

Amendment 810
Patrick Breyer

Proposal for a regulation
Article 43 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Without prejudice to any other administrative or non-judicial remedy, each natural or legal person shall have the right to an effective judicial remedy against a legally binding decision of a Digital Services Coordinator concerning them.

Or. en

Justification

A person concerned by a binding decision of a Digital Services Coordinator should have the right to judicial remedy. The same should apply where a complaint is not acted upon. The proposed text is inspired by Article 78 GDPR.

Amendment 811
Patrick Breyer

Proposal for a regulation
Article 43 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Without prejudice to any other administrative or non-judicial remedy, each recipient shall have the right to an effective judicial remedy where the

competent Digital Services Coordinator does not handle a complaint or does not inform the recipient within three months on the progress or outcome of the complaint lodged pursuant to paragraph 1.

Or. en

Justification

A person concerned by a binding decision of a Digital Services Coordinator should have the right to judicial remedy. The same should apply where a complaint is not acted upon. The proposed text is inspired by Article 78 GDPR.

Amendment 812
Marina Kaljurand

Proposal for a regulation
Article 44 – paragraph 2 – point a

Text proposed by the Commission

(a) the number and subject matter of orders to act against illegal content and orders to provide information issued in accordance with Articles 8 and 9 by any national judicial *or administrative* authority of the Member State of the Digital Services Coordinator concerned;

Amendment

(a) the number and subject matter of orders to act against illegal content and orders to provide information issued in accordance with Articles 8 and 9 by any national judicial authority of the Member State of the Digital Services Coordinator concerned;

Or. en

Amendment 813
Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation
Article 45 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. A request or recommendation pursuant to paragraph 1 should not preclude the possibility of the Digital Services Coordinator of the Member State where the recipient of the service resides

or is established, to be able to carry out its own investigation concerning suspected infringement of this regulation by a provider of an intermediary service.

Or. en

Amendment 814

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 45 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. A recommendation pursuant to paragraph 1 and 2 may additionally indicate:

a) an opinion on matters that involve taking into account national law and socio-cultural context;

b) a draft decision based on investigation pursuant to paragraph 1a

Or. en

Amendment 815

Clare Daly

Proposal for a regulation

Article 45 – paragraph 5

Text proposed by the Commission

Amendment

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the **Commission**, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the **Board**, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital

Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

Or. en

Amendment 816
Clare Daly

Proposal for a regulation
Article 45 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, the Board.

deleted

Or. en

Amendment 817
Clare Daly

Proposal for a regulation
Article 45 – paragraph 7

Text proposed by the Commission

Amendment

7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

deleted

Amendment 818**Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa****Proposal for a regulation****Article 45 – paragraph 7***Text proposed by the Commission*

7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

Amendment

7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request. ***This information should be also transmitted to the Digital Services Coordinator or the Board that initiated the proceedings pursuant to paragraph 1.***

Amendment 819**Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld****Proposal for a regulation****Article 45 – paragraph 7 a (new)***Text proposed by the Commission**Amendment*

7 a. Two months after the request referred to in Paragraph 7, the Commission shall conclude whether the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation. Where the Commission concludes that the assessment or the investigatory or

enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, the Commission shall within one month start infringement procedures against the Member State of the Digital Services Coordinator concerned.

Or. en

Amendment 820
Clare Daly

Proposal for a regulation
Article 46 – title

Text proposed by the Commission

Joint investigations and requests for **Commission** intervention

Amendment

Joint investigations and requests for **Board** intervention

Or. en

Amendment 821
Clare Daly

Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the **Commission** to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the **Commission** to intervene.

Amendment

2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the **Board** to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the **Board** to intervene.

Or. en

Amendment 822

Clare Daly

Proposal for a regulation

Article 47 – paragraph 1

Text proposed by the Commission

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

Amendment

1. *In order to ensure the consistent application of this Regulation, the ‘European Board for Digital Services’ (the ‘Board’) is **hereby** established **as a body of the Union. The Board shall have legal personality.***

Or. en

Amendment 823

Clare Daly

Proposal for a regulation

Article 47 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The board shall act independently when performing its tasks or exercising its powers.

Or. en

Amendment 824

Clare Daly

Proposal for a regulation

Article 47 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. The board shall be represented by its Chair.

Or. en

Amendment 825

Clare Daly

Proposal for a regulation

Article 47 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Board shall ***advise the Digital Services Coordinators and the Commission*** in accordance with this Regulation to achieve the following objectives:

Amendment

2. The Board shall ***take decisions*** in accordance with this Regulation to achieve the following objectives:

Or. en

Amendment 826

Clare Daly

Proposal for a regulation

Article 47 – paragraph 2 – point a

Text proposed by the Commission

(a) ***Contributing to*** the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators ***and the Commission*** with regard to matters covered by this Regulation;

Amendment

(a) ***Ensuring*** the consistent application ***across the Union*** of this Regulation and effective cooperation of the Digital Services Coordinators with regard to matters covered by this Regulation;

Or. en

Amendment 827

Clare Daly

Proposal for a regulation

Article 47 – paragraph 2 – point b

Text proposed by the Commission

(b) coordinating and ***contributing to*** guidance and analysis ***of*** the Commission and Digital Services Coordinators and other competent authorities on emerging issues across the internal market with

Amendment

(b) coordinating and ***providing*** guidance and analysis ***to*** the Commission and Digital Services Coordinators and other competent authorities on emerging issues across the internal market with

regard to matters covered by this
Regulation;

regard to matters covered by this
Regulation;

Or. en

Amendment 828
Clare Daly

Proposal for a regulation
Article 47 – paragraph 2 – point c

Text proposed by the Commission

(c) assisting the Digital Services
Coordinators **and the Commission** in the
supervision of very large online platforms.

Amendment

(c) assisting the Digital Services
Coordinators in the supervision of very
large online platforms.

Or. en

Amendment 829
Clare Daly

Proposal for a regulation
Article 48 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

**2 a. The Board shall elect a chair and
two deputy chairs from amongst its
members by simple majority.**

Or. en

Amendment 830
Clare Daly

Proposal for a regulation
Article 48 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

**2 b. The term of office of the Chair and
of the deputy chairs shall be five years
and shall be renewable once.**

Amendment 831

Clare Daly

Proposal for a regulation

Article 48 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 832

Clare Daly

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

Amendment 833

Clare Daly

Proposal for a regulation

Article 48 – paragraph 6

Text proposed by the Commission

Amendment

6. The Board shall adopt its rules of procedure, *following the consent of the Commission*.

6. The Board shall adopt its rules of procedure *by a two-thirds majority of its members and shall organise its own operational arrangements*

Or. en

Amendment 834

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation Article 48 – paragraph 6

Text proposed by the Commission

6. The Board shall adopt its rules of procedure, *following the consent of the Commission*.

Amendment

6. The Board shall adopt its rules of procedure *and inform the Commission thereof*.

Or. en

Amendment 835

Clare Daly

Proposal for a regulation Article 49 – paragraph 1 – point d

Text proposed by the Commission

(d) *advise the Commission* to take the measures referred to in Article 51 and, *where requested by the Commission*, adopt *opinions on draft Commission* measures concerning very large online platforms in accordance with this Regulation;

Amendment

(d) *decide* to take the measures referred to in Article 51, and adopt measures concerning very large online platforms in accordance with this Regulation;

Or. en

Amendment 836

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation Article 49 – paragraph 1 – point d

Text proposed by the Commission

(d) advise the Commission to take the measures referred to in Article 51 and, ***where requested by the Commission***, adopt opinions on ***draft Commission measures*** concerning very large online platforms in accordance with this Regulation;

Amendment

(d) advise the Commission to take the measures referred to in Article 51 and, adopt opinions on ***issues*** concerning very large online platforms in accordance with this Regulation;

Or. en

Amendment 837

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(e a) (f) issue opinions, recommendations or advice on matters related to Article 34.

Or. en

Amendment 838

Clare Daly

Proposal for a regulation

Article 50 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where the Digital Services Coordinator of establishment adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. ***It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.***

1. Where the Digital Services Coordinator of establishment adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article ***The Board, acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, shall, where it has reasons to suspect that a very large***

online platform infringed any of those provisions, make use of the enhanced supervision system laid down in this Article.

Or. en

Amendment 839
Clare Daly

Proposal for a regulation
Article 50 – paragraph 2

Text proposed by the Commission

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to ***the Digital Services Coordinator of establishment, the Commission and*** the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.

Amendment

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.

Or. en

Amendment 840
Clare Daly

Proposal for a regulation
Article 50 – paragraph 3 – introductory part

Text proposed by the Commission

3. Within one month following receipt of the action plan, the Board ***shall communicate its opinion on the action plan to the Digital Services Coordinator of establishment. Within one month***

Amendment

3. Within one month following receipt of the action plan, the Board shall decide whether the action plan is appropriate to terminate or remedy the infringement.

following receipt of that opinion, that Digital Services Coordinator shall decide whether the action plan is appropriate to terminate or remedy the infringement.

Or. en

Amendment 841
Clare Daly

Proposal for a regulation
Article 50 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, *the Commission* and the Board within *four* months from the decision referred to in the first subparagraph. *When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).*

Amendment

Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator and the Board within *one* months from the decision referred to in the first subparagraph.

Or. en

Amendment 842
Clare Daly

Proposal for a regulation
Article 50 – paragraph 4 – introductory part

Text proposed by the Commission

Amendment

4. The **Digital Services Coordinator of establishment** shall communicate to **the Commission, the Board and** the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

4. The **Board** shall communicate to the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

Or. en

Amendment 843

Clare Daly

Proposal for a regulation

Article 50 – paragraph 4 – point a

Text proposed by the Commission

Amendment

(a) *within one month from the receipt of the audit report referred to in the second subparagraph of paragraph 3, where such an audit was performed;*

deleted

Or. en

Amendment 844

Clare Daly

Proposal for a regulation

Article 50 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) within **three months** from the decision on the action plan referred to in the first subparagraph of paragraph 3, **where no such audit was performed;**

(b) within **one month** from the decision on the action plan referred to in the first subparagraph of paragraph 3;

Or. en

Amendment 845

Clare Daly

Proposal for a regulation

Article 50 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the **Commission**.

Amendment

Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the **Board**.

Or. en

Amendment 846

Clare Daly

Proposal for a regulation

Article 51 – title

Text proposed by the Commission

Intervention by the **Commission** and opening of proceedings

Amendment

Intervention by the **Board** and opening of proceedings

Or. en

Amendment 847

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Fabienne Keller

Proposal for a regulation

Article 51 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission, acting either upon the Board's recommendation or **on its own initiative after consulting the Board**, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online

Amendment

1. The Commission, acting either upon the Board's recommendation or **upon request of at least three of the Digital Services Coordinators of destination**, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant

platform that:

conduct by the very large online platform that:

Or. en

Amendment 848

Clare Daly

Proposal for a regulation

Article 51 – paragraph 1 – introductory part

Text proposed by the Commission

1. The **Commission**, acting either upon the **Board's** recommendation or on its own initiative ***after consulting the Board***, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Amendment

1. The **Board**, acting either upon the recommendation ***of at least three Digital Services Coordinators of destination*** or on its own initiative, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

Amendment 849

Clare Daly

Proposal for a regulation

Article 51 – paragraph 1 – point a

Text proposed by the Commission

(a) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment did not take any investigatory or enforcement measures, ***pursuant to the request of the Commission referred to in Article 45(7)***, upon the expiry of the time period set in that request;

Amendment

(a) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment did not take any investigatory or enforcement measures upon the expiry of the time period set in that request;

Or. en

Amendment 850

Clare Daly

Proposal for a regulation

Article 51 – paragraph 1 – point b

Text proposed by the Commission

(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the **Commission** to intervene in accordance with Article 46(2), upon the reception of that request;

Amendment

(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the **Board** to intervene in accordance with Article 46(2), upon the reception of that request;

Or. en

Amendment 851

Clare Daly

Proposal for a regulation

Article 51 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the **Commission** decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, **the Board** and the very large online platform concerned.

Amendment

2. Where the **Board** decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators and the very large online platform concerned.

Or. en

Amendment 852

Clare Daly

Proposal for a regulation

Article 51 – paragraph 3 – introductory part

Text proposed by the Commission

3. The Digital Services Coordinator referred to in Articles **45(7)**, 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the Commission:

Amendment

3. The Digital Services Coordinator referred to in Articles 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the Commission:

Amendment 853

Clare Daly

Proposal for a regulation

Article 51 – paragraph 3 – point c

Text proposed by the Commission

(c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the **Commission**.

Amendment

(c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the **Board**.

Amendment 854

Clare Daly

Proposal for a regulation

Article 51 – paragraph 4

Text proposed by the Commission

4. The Board, and the Digital Services Coordinators making the request referred to in Article 45(1), shall, without undue delay upon being informed, transmit to the Commission any information in their possession that may be relevant to the proceedings initiated by the Commission.

Amendment

deleted

Amendment 855

Moritz Körner, Michal Šimečka, Jan-Christoph Oetjen, Sophia in 't Veld

Proposal for a regulation

Article 52 – paragraph 1

Text proposed by the Commission

1. In order to carry out the tasks

Amendment

1. In order to carry out the tasks

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

assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period, ***unless that information is known to be protected by immunities and privileges in accordance with the applicable law;***

Or. en

Amendment 856

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 52 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 857

Clare Daly

Proposal for a regulation
Article 52 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 858
Clare Daly

Proposal for a regulation
Article 52 – paragraph 2

Text proposed by the Commission

2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the **Commission** shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.

Amendment

2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the **Board** shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.

Or. en

Amendment 859

Clare Daly

Proposal for a regulation

Article 52 – paragraph 3

Text proposed by the Commission

3. Where the **Commission** requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.

Amendment

3. Where the **Board** requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.

Or. en

Amendment 860

Clare Daly

Proposal for a regulation

Article 52 – paragraph 5

Text proposed by the Commission

5. At the request of the **Commission**, the Digital Services Coordinators and other competent authorities shall provide the **Commission** with all necessary information to carry out the tasks assigned to it under this Section.

Amendment

5. At the request of the **Board**, the Digital Services Coordinators and other competent authorities shall provide the **Board** with all necessary information to carry out the tasks assigned to it under this Section.

Or. en

Amendment 861

Clare Daly

Proposal for a regulation

Article 53 – paragraph 1

Text proposed by the Commission

In order to carry out the tasks assigned to it under this Section, the **Commission** may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

Amendment

In order to carry out the tasks assigned to it under this Section, the **Board** may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

Or. en

Amendment 862

Clare Daly

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

1. In order to carry out the tasks assigned to it under this Section, the **Commission** may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

Amendment

1. In order to carry out the tasks assigned to it under this Section, the **Board** may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

Amendment 863

Clare Daly

Proposal for a regulation

Article 54 – paragraph 2

Text proposed by the Commission

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the **Commission** pursuant to Article 57(2).

Amendment

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the **Board** pursuant to Article 57(2).

Or. en

Amendment 864
Clare Daly

Proposal for a regulation
Article 54 – paragraph 3

Text proposed by the Commission

3. During on-site inspections the **Commission** and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The **Commission** and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).

Amendment

3. During on-site inspections the **Board** and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The **Board** and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

Amendment 865
Clare Daly

Proposal for a regulation
Article 54 – paragraph 4

Text proposed by the Commission

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the **Commission**. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

Amendment

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the **Board**. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

Or. en

Amendment 866
Clare Daly

Proposal for a regulation
Article 55 – paragraph 1

Text proposed by the Commission

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the **Commission** may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Amendment

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the **Board** may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Or. en

Amendment 867
Clare Daly

Proposal for a regulation
Article 56

Text proposed by the Commission

Article 56

Commitments

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

2. The Commission may, upon request or on its own initiative, reopen the proceedings:

(a) where there has been a material change in any of the facts on which the

Amendment

deleted

decision was based;

(b) where the very large online platform concerned acts contrary to its commitments; or

(c) where the decision was based on incomplete, incorrect or misleading information provided by the very large online platform concerned or other person referred to in Article 52(1).

3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

Or. en

Amendment 868
Anna Júlia Donáth

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Amendment

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor **and audit** the effective implementation and compliance with this Regulation **and the Charter of Fundamental Rights** by the very large online platform concerned, **including the operation of any algorithm in the provision of its services**. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Or. en

Amendment 869

Clare Daly

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

1. For the purposes of carrying out the tasks assigned to it under this Section, the **Commission** may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The **Commission** may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Amendment

1. For the purposes of carrying out the tasks assigned to it under this Section, the **Board** may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The **Board** may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Or. en

Amendment 870
Clare Daly

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the **Commission** in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the **Commission**.

Amendment

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the **Board** in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the **Board**.

Or. en

Amendment 871
Clare Daly

Proposal for a regulation
Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 872
Clare Daly

Proposal for a regulation
Article 58 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) **commitments made binding pursuant to Article 56,**

deleted

Or. en

Amendment 873
Clare Daly

Proposal for a regulation
Article 58 – paragraph 2

Text proposed by the Commission

Amendment

2. Before adopting the decision pursuant to paragraph 1, the **Commission** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the **Commission** shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

2. Before adopting the decision pursuant to paragraph 1, the **Board** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the **Board** shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

Or. en

Amendment 874

Clare Daly

Proposal for a regulation
Article 58 – paragraph 3

Text proposed by the Commission

3. In the decision adopted pursuant to paragraph 1 the **Commission** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

Amendment

3. In the decision adopted pursuant to paragraph 1 the **Board** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

Or. en

Amendment 875

Clare Daly

Proposal for a regulation
Article 58 – paragraph 4

Text proposed by the Commission

4. The very large online platform concerned shall provide the **Commission** with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Amendment

4. The very large online platform concerned shall provide the **Board** with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Or. en

Amendment 876

Clare Daly

Proposal for a regulation
Article 58 – paragraph 5

Text proposed by the Commission

5. Where the **Commission** finds that the conditions of paragraph 1 are not met,

Amendment

5. Where the **Board** finds that the conditions of paragraph 1 are not met, it

it shall close the investigation by a decision.

shall close the investigation by a decision.

Or. en

Amendment 877

Clare Daly

Proposal for a regulation

Article 59 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 878

Clare Daly

Proposal for a regulation

Article 59 – paragraph 1 – point c

Text proposed by the Commission

(c) fails to comply with a voluntary measure made binding by a decision pursuant to Articles 56.

Amendment

deleted

Or. en

Amendment 879

Clare Daly

Proposal for a regulation

Article 59 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. The **Board** may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding **4%** of the total turnover in the preceding financial year, where they intentionally or negligently:

Or. en

Amendment 880

Clare Daly

Proposal for a regulation

Article 59 – paragraph 2 – point b

Text proposed by the Commission

(b) fail to rectify within the time period set by the **Commission**, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

Amendment

(b) fail to rectify within the time period set by the **Board**, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

Or. en

Amendment 881

Clare Daly

Proposal for a regulation

Article 59 – paragraph 3

Text proposed by the Commission

3. Before adopting the decision pursuant to paragraph 2, the **Commission** shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

Amendment

3. Before adopting the decision pursuant to paragraph 2, the **Board** shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

Or. en

Amendment 882

Clare Daly

Proposal for a regulation

Article 59 – paragraph 4

Text proposed by the Commission

4. In fixing the amount of the fine, the **Commission** shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Amendment

4. In fixing the amount of the fine, the **Board** shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Or. en

Amendment 883

Clare Daly

Proposal for a regulation

Article 60 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 884

Clare Daly

Proposal for a regulation

Article 60 – paragraph 1 – point d

Text proposed by the Commission

(d) *comply with commitments made*

Amendment

deleted

*legally binding by a decision pursuant to
Article 56(1);*

Or. en

Amendment 885
Clare Daly

Proposal for a regulation
Article 61 – paragraph 1

Text proposed by the Commission

1. The powers conferred on the **Commission** by Articles 59 and 60 shall be subject to a limitation period of five years.

Amendment

1. The powers conferred on the **Board** by Articles 59 and 60 shall be subject to a limitation period of five years.

Or. en

Amendment 886
Clare Daly

Proposal for a regulation
Article 61 – paragraph 2

Text proposed by the Commission

2. Time shall begin to run on the day on which ***the infringement is committed***. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.

Amendment

2. Time shall begin to run on the day on which ***decisions are taken***. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.

Or. en

Amendment 887
Clare Daly

Proposal for a regulation
Article 61 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Any action taken by the **Commission** or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:

3. Any action taken by the **Board** or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:

Or. en

Amendment 888

Clare Daly

Proposal for a regulation

Article 61 – paragraph 3 – point a

Text proposed by the Commission

(a) requests for information by the **Commission** or by a Digital Services Coordinator;

Amendment

(a) requests for information by the **Board** or by a Digital Services Coordinator;

Or. en

Amendment 889

Clare Daly

Proposal for a regulation

Article 61 – paragraph 3 – point c

Text proposed by the Commission

(c) the opening of a proceeding by the **Commission** pursuant to Article 51(2).

Amendment

(c) the opening of a proceeding by the **Board** pursuant to Article 51(2).

Or. en

Amendment 890

Clare Daly

Proposal for a regulation

Article 61 – paragraph 4

Text proposed by the Commission

4. Each interruption shall start time running afresh. However, the limitation period for the imposition of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the **Commission** having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.

Amendment

4. Each interruption shall start time running afresh. However, the limitation period for the imposition of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the **Board** having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.

Or. en

Amendment 891

Clare Daly

Proposal for a regulation

Article 61 – paragraph 5

Text proposed by the Commission

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the **Commission** is the subject of proceedings pending before the Court of Justice of the European Union.

Amendment

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the **Board** is the subject of proceedings pending before the Court of Justice of the European Union.

Or. en

Amendment 892

Clare Daly

Proposal for a regulation

Article 62 – paragraph 1

Text proposed by the Commission

1. The power of the **Commission** to enforce decisions taken pursuant to Articles 59 and 60 shall be subject to a limitation period of five years.

Amendment

1. The power of the **Board** to enforce decisions taken pursuant to Articles 59 and 60 shall be subject to a limitation period of five years.

Amendment 893

Clare Daly

Proposal for a regulation

Article 62 – paragraph 3 – point b

Text proposed by the Commission

(b) by any action of the **Commission**, or of a Member State acting at the request of the **Commission**, designed to enforce payment of the fine or periodic penalty payment.

Amendment

(b) by any action of the **Board**, or of a Member State acting at the request of the **Board**, designed to enforce payment of the fine or periodic penalty payment.

Or. en

Amendment 894

Clare Daly

Proposal for a regulation

Article 63 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the **Commission** shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:

Amendment

1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the **Board** shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:

Or. en

Amendment 895

Clare Daly

Proposal for a regulation

Article 63 – paragraph 1 – point a

Text proposed by the Commission

(a) preliminary findings of the **Commission**, including any matter to

Amendment

(a) preliminary findings of the **Board**, including any matter to which the

which the Commission has taken objections; and

Commission has taken objections; and

Or. en

Amendment 896

Clare Daly

Proposal for a regulation

Article 63 – paragraph 1 – point b

Text proposed by the Commission

(b) measures that the **Commission** may intend to take in view of the preliminary findings referred to point (a).

Amendment

(b) measures that the **Board** may intend to take in view of the preliminary findings referred to point (a).

Or. en

Amendment 897

Clare Daly

Proposal for a regulation

Article 63 – paragraph 2

Text proposed by the Commission

2. The very large online platform concerned or other person referred to in Article 52(1) may submit their observations on the **Commission's** preliminary findings within a reasonable time period set by the **Commission** in its preliminary findings, which may not be less than 14 days.

Amendment

2. The very large online platform concerned or other person referred to in Article 52(1) may submit their observations on the **Board's** preliminary findings within a reasonable time period set by the **Board** in its preliminary findings, which may not be less than 14 days.

Or. en

Amendment 898

Clare Daly

Proposal for a regulation

Article 63 – paragraph 3

Text proposed by the Commission

3. The **Commission** shall base its decisions only on objections on which the parties concerned have been able to comment.

Amendment

3. The **Board** shall base its decisions only on objections on which the parties concerned have been able to comment.

Or. en

Amendment 899
Clare Daly

Proposal for a regulation
Article 63 – paragraph 4

Text proposed by the Commission

4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the **Commission's** file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the **Commission** or Member States' authorities. In particular, the right of access shall not extend to correspondence between the **Commission** and those authorities. Nothing in this paragraph shall prevent the **Commission** from disclosing and using information necessary to prove an infringement.

Amendment

4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the **Board's** file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the **Board** or Member States' authorities. In particular, the right of access shall not extend to correspondence between the **Board** and those authorities. Nothing in this paragraph shall prevent the **Board** from disclosing and using information necessary to prove an infringement.

Or. en

Amendment 900
Clare Daly

Proposal for a regulation
Article 63 – paragraph 6

Text proposed by the Commission

6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), **the Commission**, the Board, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and experts appointed pursuant to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy.

Amendment

6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), the Board, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and experts appointed pursuant to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy.

Or. en

Amendment 901

Clare Daly

Proposal for a regulation

Article 64 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 902

Clare Daly

Proposal for a regulation

Article 65 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been

Amendment

1. Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been

exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the **Commission may** request the Digital Services Coordinator of establishment of the very large online platform concerned to act pursuant to Article 41(3).

exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the **Board shall** request the Digital Services Coordinator of establishment of the very large online platform concerned to act pursuant to Article 41(3).

Or. en

Amendment 903

Clare Daly

Proposal for a regulation

Article 65 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Prior to making such request to the Digital Services Coordinator, the **Commission** shall invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures it intends to request and identifying the intended addressee or addressees thereof.

Amendment

Prior to making such request to the Digital Services Coordinator, the **Board** shall invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures it intends to request and identifying the intended addressee or addressees thereof.

Or. en

Amendment 904

Clare Daly

Proposal for a regulation

Article 65 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where the coherent application of this Regulation so requires, the **Commission**, acting on its own initiative, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also

Amendment

2. Where the coherent application of this Regulation so requires, the **Board**, acting on its own initiative, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also make oral

make oral observations.

observations.

Or. en

Amendment 905

Clare Daly

Proposal for a regulation

Article 65 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For the purpose of the preparation of its observations only, the **Commission** may request that judicial authority to transmit or ensure the transmission to it of any documents necessary for the assessment of the case.

Amendment

For the purpose of the preparation of its observations only, the **Board** may request that judicial authority to transmit or ensure the transmission to it of any documents necessary for the assessment of the case.

Or. en

Amendment 906

Clare Daly

Proposal for a regulation

Article 66

Text proposed by the Commission

Article 66

Implementing acts relating to Commission intervention

1. In relation to the Commission intervention covered by this Section, the Commission may adopt implementing acts concerning the practical arrangements for:

(a) the proceedings pursuant to Articles 54 and 57;

(b) the hearings provided for in Article 63;

(c) the negotiated disclosure of information provided for in Article 63.

Amendment

deleted

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

Or. en

Amendment 907
Sylvie Guillaume

Proposal for a regulation
Article 66 a (new)

Text proposed by the Commission

Amendment

Article 66a

***Independent contribution to governance
and reflection on new challenges***

In order for new principles and obligations to be regularly defined by an independent stakeholder, the Forum on Information and Democracy, the body responsible for applying the International Forum for Information and Democracy signed by 21 Member States, shall contribute to European governance with regard to issues coming under the scope of this Regulation, thereby enabling it to work on emerging problems, for example.

(a) The Forum will be given the role of a permanent expert group

(b) The Forum will be given a permanent role as a think tank for implementation of the DSA, the DMA and the European Democracy Action Plan in order to improve the resilience of democracies and adapt their responses to new challenges linked to disinformation and media sustainability.

(c) The Forum will also be tasked with evaluating informational space, thus making it the body responsible for ensuring the transparency of platforms and the auditability of algorithms. It will in particular have the task of organising access to data for researchers and all qualified individuals, with no public access and with a guarantee of confidentiality for the data and compliance with industrial and commercial confidentiality when this is warranted.

Or. fr

Amendment 908

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 73 – paragraph 1

Text proposed by the Commission

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

Amendment

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

On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation.

Or. en

Amendment 909

Patryk Jaki, Joachim Stanisław Brudziński, Jadwiga Wiśniewska, Beata Kempa

Proposal for a regulation

Article 73 – paragraph 4

Text proposed by the Commission

Amendment

4. By three years from the date of application of this Regulation at the latest, the Commission, after consulting the Board, shall carry out an assessment of the functioning of the Board and shall report it to the European Parliament, the Council and the European Economic and Social Committee, taking into account the first years of application of the Regulation. On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation with regard to the structure of the Board.

deleted

Or. en

Amendment 910

Tomas Tobé

Proposal for a regulation

Article 74 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en