



**2020/0361(COD)**

8.7.2021

# **AMENDMENTS**

## **499 - 757**

**Draft report**  
**Christel Schaldemose**  
(PE693.594v01-00)

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

Proposal for a regulation  
(COM(2020)0825 – C9-0000/2021 – 2020/0361(COD))



#### Amendment 499

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

#### Proposal for a regulation

##### Recital 63

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

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned.

###### *Amendment*

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned. ***In addition, very large online platforms should label any known deep fake videos, audio or other files.***

Or. en

#### Amendment 500

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

#### Proposal for a regulation

##### Recital 63

*Text proposed by the Commission*

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned.

*Amendment*

(63) Advertising systems used by very large online platforms ***could*** pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned.

Or. en

**Amendment 501**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Recital 63 a (new)**

*Text proposed by the Commission*

*Amendment*

***(63a) The practice of very large online platforms to associate advertisement with content uploaded by users, could indirectly lead to the promotion of illegal content, or content that is in breach of their terms and conditions and could risk to considerably damage the brand image of the buyers of advertising space. In***

*order to prevent such practice, the very large online platforms should ensure, including through standard contractual guarantees to the buyers of advertising space, that the content to which they associate advertisements is legal, and compliant with their terms and conditions. Furthermore, the very large online platforms should allow advertisers to have access to the results of audits carried out independently and evaluating the commitments and tools of platforms for protecting the brand image of the buyers of advertising space ("brand safety").*

Or. en

## Amendment 502

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

### 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

##### *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 **Agency** 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, **civil society and media organisations** 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.

resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the **Agency** and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers, **not-for-profit bodies, organisations or associations, or media organisations**. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests of the platform and any other parties concerned, including the recipients of the service. **To that end, the Commission should issue regulatory guidance to specify the modalities and safeguards for data access and sharing, and provide platforms with legal certainty while ensuring the independence of the research.**

Or. en

### Amendment 503

Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Marco Zullo, Karen Melchior, Laurence Farreng

### 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

#### *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 amplification of harmful content** brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems

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.

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.

Or. en

#### **Amendment 504**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **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,

##### *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.

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, ***which mean the conditions set down in this Regulation***. 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 505

Jean-Lin Lacapelle, Virginie Joron

### 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

*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 ***Coordinators of the Member States, the Board*** 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.

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.

Or. fr

#### **Amendment 506**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

#### **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

##### *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.

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, **where relevant to a research project. All requests** 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 507**  
**Maria da Graça Carvalho**

**Proposal for a regulation**  
**Recital 64 a (new)**

*Text proposed by the Commission*

*Amendment*

**(64a) Recognition of an audit report should not interrupt or hinder the platform's legitimate freedom to continue with its activities and business plan;**

Or. pt

**Amendment 508**

**Evelyne Gebhardt, Andreas Schieder, Sylvie Guillaume, Marc Angel, Christel Schaldemose, Maria Grapini, Petra Kammerevert, Biljana Borzan, Maria-Manuel Leitão-Marques, Brando Benifei, Paul Tang, Monika Beňová**

**Proposal for a regulation**

**Recital 65 a (new)**

*Text proposed by the Commission*

*Amendment*

***(65a) Due to their market position, very large online platforms have developed an increasing influence over society's social, economic, and political interactions. Consumers face a lock-in situation, which may lead them into accepting unfavourable terms and conditions to participate in the services provided by these very large online platforms. To restore a competitive market and to allow consumers more choices, very large online platforms should be required to setup the necessary technical access points to create interoperability for their core services, with a view to allowing competitors a fairer market access and enabling more choice for consumers, while at the same time complying with privacy, security and safety standards. These access points should create interoperability for other online platform services of the same type, without the need to convert digital content or services to ensure functionality.***

Or. en

**Amendment 509**

**Ramona Strugariu, Vlad-Marius Botoș, Karen Melchior**

**Proposal for a regulation**

**Recital 65 a (new)**

*Text proposed by the Commission*

*Amendment*

***(65a) Any change on the recommender***

*systems used by platforms to suggest, rank and prioritise information can have a dramatic impact on the users, in particular on the media that widely rely on platforms to be accessible to their audience; consequently, providers of online platforms should be transparent about any changes operated in their referencing and recommendation rules, even if made on an experimental basis, and immediately inform the regulators, their users and the authors of referenced content, allowing these changes to be predictable to those affected by them; users should be able to refer to the regulator asking it to give its opinion on the negative impact of changes in the referencing and recommendation rules, allowing it to require the platform to remedy this impact.*

Or. en

#### **Amendment 510**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Recital 66**

*Text proposed by the Commission*

*Amendment*

**(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between**

**deleted**

*different types of illegal content or  
different types of intermediary services, as  
appropriate.*

Or. en

#### Amendment 511

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten  
Løkkegaard, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin, Liesje  
Schreinemacher**

#### **Proposal for a regulation Recital 66**

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

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

##### *Amendment*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate. ***However, where no voluntary industry standard is agreed and the Commission finds that the application of this Regulation by providers is significantly divergent, the Commission should be empowered to adopt delegated acts where needed until a voluntary industry standard is agreed.***

Or. en

**Amendment 512**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Recital 66**

*Text proposed by the Commission*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

*Amendment*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. ***In order to be properly distributed, such standards must be supported by a high quality level monitored by the public authority. They*** could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

Or. fr

**Amendment 513**  
**Karen Melchior**

**Proposal for a regulation**  
**Recital 66**

*Text proposed by the Commission*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain

*Amendment*

(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain

technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

technical procedures, where the industry can help develop standardised means to comply with this Regulation, such ***as standardised disclosure frames for advertising***, as allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.

Or. en

#### **Amendment 514**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Recital 67**

*Text proposed by the Commission*

***(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.***

*Amendment*

***deleted***



**Amendment 515**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation****Recital 67***Text proposed by the Commission*

(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.

*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. 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.

**Amendment 516**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Marco Zullo, Laurence Farreng, Karen Melchior**

**Proposal for a regulation****Recital 67***Text proposed by the Commission*

(67) The Commission and the Board should encourage the drawing-up of codes

*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.

of conduct to contribute to the application of this Regulation, ***as well as the compliance of online platforms with the provisions of these 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 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 517**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Recital 67**

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

(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

##### *Amendment*

(67) The Commission and the **Agency** 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.

diligence, adopting best practices and benefitting from the guidance provided by the Commission and the **Agency**, by participating in the same codes of conduct.

Or. en

## Amendment 518

Jean-Lin Lacapelle, Virginie Joron

### 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 this Regulation.**

**deleted**

**Amendment 519****Martin Schirdewan, Anne-Sophie Pelletier****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 this Regulation.**

**deleted**

## Amendment 520

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera

### 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 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 *intentionally inaccurate* or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for *certain groups of* 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.

Or. en

## Amendment 521

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron  
on behalf of the ID Group

**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, ***for example sharing of images depicting child sexual abuse or terrorist 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.

Or. en

**Amendment 522**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

**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 area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation, ***harmful content*** 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.

Or. en

**Amendment 523**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Recital 69**

*Text proposed by the Commission*

***(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-***

*Amendment*

***deleted***

*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.*

Or. fr

**Amendment 524**

**Martin Schirdewan, Anne-Sophie Pelletier**

**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 525**

**Geert Bourgeois**

**Proposal for a regulation**

**Recital 69**



*Text proposed by the Commission*

(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.

*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. ***Codes of conduct are without prejudice to the obligations under this Regulation, including the universal service obligation to be met by very large social online platforms.***

Or. nl

**Amendment 526**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**  
**Recital 69**

*Text proposed by the Commission*

(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.***

*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.



**Amendment 527**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Laurence Farreng, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation****Recital 69***Text proposed by the Commission*

(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.

*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, *since* the Commission *has issued* guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan *in May 2021*.

**Amendment 528**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation****Recital 69***Text proposed by the Commission*

(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

*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.

on disinformation. In particular for the latter, ***since*** the Commission ***has issued*** guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan ***in May 2021***.

Or. en

## **Amendment 529**

**Karen Melchior**

### **Proposal for a regulation**

#### **Recital 70**

*Text proposed by the Commission*

*Amendment*

**(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms and very large online platforms set out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported, technically sound, effective and offer the highest levels of user-friendliness to ensure that the transparency obligations achieve their objectives.** ***deleted***

Or. en

## **Amendment 530**

**Andreas Schieder, Evelyne Gebhardt, Marc Angel, Maria-Manuel Leitão-Marques**

### **Proposal for a regulation**

#### **Recital 70 a (new)**

**(70a) The Commission should encourage the development of codes of conduct to facilitate online platforms' verification of short-term holiday rental providers' compliance with national registration and authorisation schemes. Such codes of conduct should aim in particular at establishing effective cooperation mechanisms between online platforms and public authorities on short term holiday rentals.**

Or. en

**Amendment 531**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Recital 71**

**(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**

**deleted**

*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.*

Or. fr

**Amendment 532**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Recital 71 a (new)**

*Text proposed by the Commission*

*Amendment*

*(71a) In order to ensure that the systemic role of very large online platforms does not endanger the internal market by unfairly excluding innovative new entrants, including SMEs, entrepreneurs and start-ups, additional rules are needed to allow recipients of the service to switch or connect and interoperate between online platforms or internet ecosystems. Therefore, interoperability obligations should require very large online platforms to share appropriate tools, data, expertise, and resources. As part of those measures, the Commission should explore different technologies and open standards and protocols, including the possibility of technical interfaces (Application Programming Interface), that allow recipients of service or other market participants to access the key functionalities of very large online platforms to exchange information.*

*Justification*

*In line with the amendment for Article 33a new, and in line with the IMCO INL (P9\_TA(2020)0272) Annex Chapter VII*

**Amendment 533**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Kim Van Sparrentak, Rasmus Andresen**

**Proposal for a regulation****Recital 72***Text proposed by the Commission*

(72) The task of ensuring adequate oversight and enforcement of the obligations laid down in this Regulation should in principle be attributed to the Member States. To this end, **they** should appoint at least one authority with the task to apply and enforce this Regulation. Member States should however be able to entrust more than one competent authority, with specific supervisory or enforcement tasks and competences concerning the application of this Regulation, for example for specific sectors, such as electronic communications' regulators, media regulators or consumer protection authorities, reflecting their domestic constitutional, organisational and administrative structure.

*Amendment*

(72) The task of ensuring adequate oversight and enforcement of the obligations laid down in this Regulation should in principle be attributed to the Member States, **with exception of the oversight and enforcement of Chapter III Section 4 which shall lie with the Agency**. To this end, **the Member States** should appoint at least one **independent** authority with the task to apply and enforce this Regulation. Member States should however be able to entrust more than one competent authority, with specific supervisory or enforcement tasks and competences concerning the application of this Regulation, for example for specific sectors, such as electronic communications' regulators, media regulators or consumer protection authorities, reflecting their domestic constitutional, organisational and administrative structure.

**Amendment 534**

**Maria Grapini, Andreas Schieder, Marc Angel, Evelyne Gebhardt, Brando Benifei**

**Proposal for a regulation**  
**Recital 73**

*Text proposed by the Commission*

(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the Commission, the Board, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure effective involvement of all relevant authorities in the supervision and enforcement at Union level.

*Amendment*

(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the Commission, the Board, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure ***regular reporting and*** effective involvement of all relevant authorities in the supervision and enforcement at Union level.

Or. en

**Amendment 535**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Recital 73**

*Text proposed by the Commission*

(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the **Commission, the Board**, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure effective involvement of all relevant authorities in the supervision and enforcement at Union level.

*Amendment*

(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the **Agency**, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure effective involvement of all relevant authorities in the supervision and enforcement at Union level.

Or. en

**Amendment 536**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

**Proposal for a regulation**

**Recital 73 a (new)**

*Text proposed by the Commission*

*Amendment*

**(73a) The designation of a Digital Services Coordinator in the Member State should be without prejudice to already**



*existing enforcement mechanisms, such as in electronical communication or media regulation, and independent regulatory structures in these fields as defined by European and national law. The competences of the Digital Services Coordinator should not interfere with those of the appointed authorities. For ensuring coordination and for contributing to the effective consistent application and enforcement of this Regulation throughout the Union, the different European networks, in particular the European Regulators Group for Audiovisual Media Services (ERGA) and the Body of European Regulators for Electronic Communications (BEREC), should be responsible. For the effective implementation of this task, these networks should develop suitable procedures to be applied in cases concerning this Regulation.*

Or. en

#### *Justification*

*In line with Amendment 22, these sector-specific authorities and regulators are long experienced, independent and competent in their task and there is no need to change that. Where coordination is needed and to ensure effective and consistent EU-wide enforcement, the European networks (such as ERGA for audiovisual media or BEREC for electronic communication) shall be responsible to deal with these matters and be tasked to develop effective and efficient cross-border procedures.*

#### **Amendment 537**

**Jean-Lin Lacapelle, Virginie Joron**

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

#### **Recital 74**

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

(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this

##### *Amendment*

(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this



Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities act in complete independence from private and public bodies, ***without the obligation or possibility to seek or receive instructions, including from the government,*** and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators, the Board and the Commission. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate.

Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities act in complete independence from private and public bodies and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators, the Board, ***the Member States*** and the Commission. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate.

Or. fr

#### **Amendment 538**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

##### **Recital 74**

*Text proposed by the Commission*

(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions,

*Amendment*

(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions,

including from the government, and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators, *the Board* and the *Commission*. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate.

including from the government, and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators and the *Agency*. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate.

Or. en

#### **Amendment 539**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

#### **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

##### *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.

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 rights of EU citizens that take into account diverse national laws and difference in socio-cultural context between countries, a Member State should exercise jurisdiction where it concerns online social networking services provided by 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 networks because they play a central role in facilitating the public debate.*

Or. en

**Amendment 540**  
**Jean-Lin Lacapelle, Virginie Joron**

**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

*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.

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, ***without this identification serving as a presumption of recognition of establishment for tax purposes***. 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.

Or. fr

#### **Amendment 541**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

#### **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

*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.

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 **and Article 8 and 9** 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.

Or. en

#### **Amendment 542**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Recital 78**

*Text proposed by the Commission*

(78) Member States should set out in

*Amendment*

(78) Member States should set out in

their national law, in accordance with Union law and in particular this Regulation and the Charter, the detailed conditions and limits for the exercise of the investigatory and enforcement powers of their Digital Services Coordinators, and other competent authorities where relevant, under this Regulation.

their national law, in accordance with Union law and in particular this Regulation and the Charter, the detailed conditions and limits for the exercise of the investigatory and enforcement powers of their Digital Services Coordinators, and other competent authorities where relevant, under this Regulation. ***In order to ensure coherence between the Member States, the Commission should adopt guidance on the procedures and rules related to the powers of Digital Services Coordinators.***

Or. en

### **Amendment 543**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **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

#### *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. In this regard, the guarantees provided for in relation to the proceedings of the **Agency** 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



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 Member States.

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 Member States.

Or. en

**Amendment 544**  
**Geoffroy Didier**

**Proposal for a regulation**  
**Recital 80**

*Text proposed by the Commission*

(80) Member States should ensure that violations of the obligations laid down in this Regulation can be sanctioned in a manner that is effective, proportionate and dissuasive, taking into account the nature, gravity, recurrence and duration of the violation, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the infringer. In particular, penalties should take into account whether the provider of intermediary services concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, as well as, where relevant, whether the provider is active in several Member States.

*Amendment*

(80) Member States should ensure that violations of the obligations laid down in this Regulation can be sanctioned in a manner that is effective, proportionate and dissuasive, taking into account the nature, gravity, recurrence and duration of the violation, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the infringer. In particular, penalties should take into account whether the provider of intermediary services concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, as well as, where relevant, whether the provider is active in several Member States. ***The Digital Service Coordinator should have the power to request the relevant judicial authority to take meaningful action when the provider of intermediary services has***

***repeatedly infringed the obligations laid down in the Regulation.***

Or. en

*Justification*

*In the legislative proposal of the European Commission on the Digital Services Act, the issue of injunctions is extremely important for all stakeholders involved. Injunctions already allow national competent authorities to take measures against online service providers which host illegal content. Although they are -strictly speaking- distinct from the online liability regime, they are essential to the effective application of EU laws, norms and values. A similar tool should be introduced to ensure effective enforcement of the future DSA Regulation. Concretely, Digital Service Coordinators (DSCs) should have the ability to swiftly act against online intermediaries that repeatedly violate the provisions of the DSA, including their “due diligence” obligations. Such a tool should be applicable to online intermediaries, regardless of their place of establishment (within or outside the EU). These amendments are in line with and further strengthen the current proposal of the IMCO Rapporteur’s draft report on the DSA and will ensure greater efficiency in the enforcement of the future DSA.*

**Amendment 545**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**

**Recital 80 a (new)**

*Text proposed by the Commission*

*Amendment*

***(80a) The Commission should issue guidance to Member States and propose a system for the staggering of the penalties according to the size of the companies, to ensure proportionality and adequacy.***

Or. en

**Amendment 546**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Recital 81**

*Text proposed by the Commission*

*Amendment*

(81) In order to ensure effective enforcement of this Regulation, individuals

(81) In order to ensure effective enforcement of this Regulation, individuals



or representative organisations should be able to lodge any complaint related to compliance with this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction. Complaints should provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of intermediary services concerned is established, if the issue requires cross-border cooperation.

or representative organisations ***as well as parties having a legitimate interest and meeting relevant criteria of expertise and independence from any online hosting services provider or platform*** should be able to lodge any complaint related to compliance with this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction. Complaints should provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of intermediary services concerned is established, if the issue requires cross-border cooperation.

Or. en

#### **Amendment 547**

**Jean-Lin Lacapelle, Virginie Joron**

#### **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

##### *Amendment*

*(Does not affect the English version.)*

administrative authorities in its Member State.

Or. fr

#### **Amendment 548**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **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 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***

###### *Amendment*

(85) Where a Digital Services Coordinator requests another Digital Services Coordinator to take action, the requesting Digital Services Coordinator should be able to refer the matter to the ***Agency*** in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. The ***Agency***, 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. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the ***Agency*** intervention ***in accordance with Article 45 (5).***

**Amendment 549**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

**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 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

*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 **four** 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. ***If the Commission believes that the Digital Services Coordinator of establishment has not at least partially addressed the request or has not fully justified its decision to not address the request,*** 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.

**Amendment 550****Jean-Lin Lacapelle, Virginie Joron****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 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.

*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 **and reasonable** 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 or** the Commission's intervention under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform.

Or. fr

**Amendment 551**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**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 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

*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 ***or 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 552**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

**Proposal for a regulation**  
**Recital 86**

*Text proposed by the Commission*

(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by this Regulation. Those activities may include other competent authorities and may cover a variety of issues, ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The Board may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with participation of the authorities involved.

*Amendment*

(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by this Regulation ***and under the authority of the Digital Services Coordinator of the Member State of establishment.*** Those activities may include other competent authorities and may cover a variety of issues, ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The Board may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with participation of the authorities involved.

Or. en

**Amendment 553**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Recital 86**

*Text proposed by the Commission*

(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by

*Amendment*

(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by

this Regulation. Those activities may include other competent authorities and may cover a variety of issues, ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The **Board** may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with participation of the authorities involved.

this Regulation. Those activities may include other competent authorities and may cover a variety of issues, ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The **Agency** may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with participation of the authorities involved.

Or. en

#### **Amendment 554**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

*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, on a voluntary basis, the Commission **or the Board** to intervene and exercise its investigatory and enforcement powers under this Regulation.

Or. en

#### **Amendment 555**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

*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, on a voluntary basis, the **Agency** to intervene and exercise its investigatory and enforcement powers under this Regulation.

Or. en

**Amendment 556**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Recital 88**

*Text proposed by the Commission*

***(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level, which should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to one***

*Amendment*

***deleted***

*representative per Member State.*

Or. en

**Amendment 557**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 88**

*Text proposed by the Commission*

(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level, which should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to *one representative per Member State*.

*Amendment*

(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level *and with legal personality*, which should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to *the Member State's Digital Services Coordinator*.

Or. en

**Amendment 558**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Recital 89**

*Text proposed by the Commission*

*Amendment*

**(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.**

**deleted**

Or. fr

**Amendment 559**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Recital 89**

*Text proposed by the Commission*

*Amendment*

**(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.**

**deleted**

Or. en

## Amendment 560

Karen Melchior

### 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 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, codes of conduct, *best practices* and analyse emerging general trends in the development of digital services in the Union.

Or. en

## Amendment 561

Barbara Thaler

### 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

##### *Amendment*

(89) The Board should *exclusively* 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.

analyse emerging general trends in the development of digital services in the Union.

Or. en

#### **Amendment 562**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

##### **Recital 90**

*Text proposed by the Commission*

*Amendment*

**(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 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.**

**deleted**

Or. en

#### **Amendment 563**

**Jean-Lin Lacapelle, Virginie Joron**

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

##### **Recital 90**

*Text proposed by the Commission*

*Amendment*

**(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 should be properly explained and could be taken into account by the Commission in**

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

*assessing the compliance of the Member State concerned with this Regulation.*

Or. fr

**Amendment 564**

**Martin Schirdewan, Anne-Sophie Pelletier**

**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 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.***

*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.

Or. en

**Amendment 565**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**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***

*Amendment*

***deleted***

*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.*

Or. en

**Amendment 566**  
**Karen Melchior**

**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, electronic communications, audiovisual services, **market surveillance**, 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 567**

**Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek**

### **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 568**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

### **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

##### *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, 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.

authorities under the chairmanship of the Commission, with a view to ensuring ***a careful*** assessment of matters submitted to it. 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.

Or. en

#### **Amendment 569**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

##### **Recital 92**

*Text proposed by the Commission*

*Amendment*

***(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.***

***deleted***

Or. en

#### **Amendment 570**

**Martin Schirdewan, Anne-Sophie Pelletier**

**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 571**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Recital 93**

*Text proposed by the Commission*

(93) ***In view of the need to ensure support for the Board's activities, the Board should be able to rely on the expertise and human resources of the Commission and of the competent national authorities. The specific operational arrangements for the internal functioning of the Board should be further specified in the rules of procedure of the Board.***

*Amendment*

***deleted***

Or. en

**Amendment 572**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Recital 95**

*Text proposed by the Commission*

(95) In order to address those public policy concerns it is therefore necessary to provide for a common system of enhanced supervision and enforcement at Union level. Once an infringement of one of the provisions that solely apply to very large online platforms has been identified, for instance pursuant to ***individual or joint investigations***, auditing or complaints, the ***Digital Services Coordinator of establishment, upon its own initiative or upon the Board's advice***, should monitor any subsequent measure taken by the very large online platform concerned as set out in its action plan. ***That Digital Services Coordinator should*** be able to ask, ***where appropriate***, for an additional, specific audit to be carried out, ***on a voluntary basis***, to establish whether those measures are sufficient to address the infringement. At the end of that procedure, it should inform ***the Board, the Commission and*** the platform concerned of its views on whether or not that platform addressed the infringement, specifying in particular the relevant conduct and its assessment of any measures taken. ***The Digital Services Coordinator should perform its role under this common system in a timely manner and taking utmost account of any opinions and other advice of the Board.***

*Amendment*

(95) In order to address those public policy concerns it is therefore necessary to provide for a common ***approach to*** system of enhanced supervision and enforcement at Union level. Once an infringement of one of the provisions that solely apply to very large online platforms has been identified, for instance pursuant to auditing or complaints, the ***Agency*** should monitor any subsequent measure taken by the very large online platform concerned as set out in its action plan. ***The Agency should*** be able to ask for an additional, specific audit to be carried out to establish whether those measures are sufficient to address the infringement. At the end of that procedure, it should inform the platform concerned of its views on whether or not that platform addressed the infringement, specifying in particular the relevant conduct and its assessment of any measures taken.

Or. en

**Amendment 573**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

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

*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, ***the Agency may*** decide to further investigate the infringement concerned and the measures that the platform has subsequently taken. After having conducted the necessary investigations, the ***Agency*** 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 ***Agency's*** request, or in situations where the Digital Services Coordinator of establishment itself requested for the ***Agency*** to intervene, in respect of an infringement of any other provision of this Regulation committed by a very large online platform.

Or. en

**Amendment 574**

**Martin Schirdewan, Anne-Sophie Pelletier**

**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***

*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, the Commission ***of the Board may, on their*** own initiative or upon

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

**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 Commission **or respectively 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. **They** 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 **or the Board's** request, or in situations where the Digital Services Coordinator of establishment itself requested for the Commission **of the Board** to intervene, in respect of an infringement of any other provision of this Regulation committed by a very large online platform.

Or. en

#### **Amendment 575**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

#### **Recital 97**

*Text proposed by the Commission*

*Amendment*

**(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**

**deleted**

*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 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 576**

**Jean-Lin Lacapelle, Virginie Joron**

#### **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

*Amendment*

(97) The **Board** should *have full decision-making powers in the investigation and enforcement procedures set out in this Regulation. The Commission, which shall provide the Board with all the technical assistance at its disposal, should have full powers of enforcement concerning the Board's*



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 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.*

*decisions.* Once the Commission, *on the instructions of 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 Commission, at its request *or that of the Board*, 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, *including, as appropriate, those occasions when it exercises them autonomously in order to submit proposals to the Board.*

Or. fr

## Amendment 577

Martin Schirdewan, Anne-Sophie Pelletier

### 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*

*Amendment*

(97) *Once the Board or* the Commission initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from

**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 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.

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 or*** 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 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 ***Board's or*** Commission's powers and responsibility to carry out additional investigations as necessary.

Or. en

#### **Amendment 578**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **Proposal for a regulation Recital 97 a (new)**

*Text proposed by the Commission*

*Amendment*

***(97a) The Commission should ensure that it is independent and impartial in its decision making in regards to both Digital Services Coordinators and providers of services under this Regulation.***

Or. en

**Amendment 579**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

**Proposal for a regulation  
Recital 98**

*Text proposed by the Commission*

*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 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.

(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, ***including the right to challenge any investigative requests before a judicial authority within the Member State of establishment.***

Or. en

**Amendment 580**

**Jean-Lin Lacapelle, Virginie Joron**

**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 Commission should, ***on the initiation of the relevant procedure at the decision of the Board***, 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. fr

**Amendment 581**

**Martin Schirdewan, Anne-Sophie Pelletier**

**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 and*** 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.

Or. en

## **Amendment 582**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **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 **Agency** 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 583**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**

on behalf of the ID Group

### **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

##### *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 Commission should have 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

interests of the affected parties.

of the affected parties.

Or. en

#### **Amendment 584**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **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 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

###### *Amendment*

(99) The Commission, to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this regulation, 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

Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers

Or. en

#### Amendment 585

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher

#### 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 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

###### *Amendment*

(99) In particular, the Commission, ***where it can show grounds for believing that a very large online platform is not compliant with this Regulation***, should have access to any relevant documents, data and information necessary to open and conduct investigations and to 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 ***related to those concerns***. 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



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

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.

Or. en

## **Amendment 586**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **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 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

##### *Amendment*

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

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

record the statements made. The **Board and 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 Board's and** 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

Or. en

#### **Amendment 587**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

#### **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 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

##### *Amendment*

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

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 **Agency** 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 **Agency** 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 588**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **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 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.

##### *Amendment*

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

Or. en

## **Amendment 589**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **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 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.

##### *Amendment*

(101) The very large online platforms concerned and other persons subject to the exercise of the **Agency's** powers whose interests may be affected by a 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 **Agency** 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 590**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **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***

##### *Amendment*

***deleted***

*application of this Regulation, the Commission should also perform an evaluation of the activities of the Board and on its structure.*

Or. en

**Amendment 591**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Recital 102**

*Text proposed by the Commission*

*Amendment*

*(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.*

*deleted*

Or. en

**Amendment 592**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 102**

*Text proposed by the Commission*

*Amendment*

(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

(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.

Commission should also perform an evaluation of the activities of the Board and on its structure. ***In addition, the Commission should carry out an assessment of any impact of the costs to European service providers of any similar requirements, including those of Article 11, introduced by third-party states and any new barriers to non-EU market access after the adoption of this Regulation. The Commission should also assess the impact on the ability of European businesses and consumers to access and buy products and services from outside the Union.***

Or. en

#### *Justification*

*The Commission should assess any reactions from non-EU countries to the regulation of their companies by this regulation and if any negative effects have happened in relations to European companies outside the EU.*

#### **Amendment 593**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

##### **Recital 103**

*Text proposed by the Commission*

*Amendment*

***(103) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>49</sup>.***

***deleted***

---

<sup>49</sup> ***Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning***

*mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

Or. en

#### Amendment 594

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher

#### Proposal for a regulation

##### Recital 104

#### *Text proposed by the Commission*

(104) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect of criteria for identification of very large online platforms and of technical specifications for access requests. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

#### *Amendment*

(104) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect of criteria for identification of very large online platforms and of technical specifications for access requests. ***It is also equally important that when standardisation bodies are unable to agree the standards needed to implement this Regulation fully, that the Commission to choice to adopt delegated acts.*** It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en



*Justification*

*Linked to changes in Article 69 and 34.*

**Amendment 595**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Recital 105 a (new)**

*Text proposed by the Commission*

*Amendment*

***(105a) This Regulation serves a horizontal framework to ensure the further strengthening and deepening the Digital Single Market and the internal market and therefore seeks to lay down rules and obligations which, unless specified, seek to be applicable to all providers without regards to individual models of operation. Individual models of operation are often addressed in different Union law regarded as lex specialis. In the case of any potential conflict between this Regulation and those Union acts, the principle of Lex specialis derogat legi generali should apply.***

Or. en

**Amendment 596**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Recital 106 a (new)**

*Text proposed by the Commission*

*Amendment*

***(106a) A small number of companies developed a market dominance by acquiring an unprecedented level about people's lives and replaced services of a diverse and decentralised system with open standards by "walled gardens" with***

*locked-in users; therefore, this Regulation should introduce additional obligations regarding data protection, transparency, user choice and interoperability in order to guarantee a level playing field and consumer welfare.*

Or. en

**Amendment 597**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Recital 106 b (new)**

*Text proposed by the Commission*

*Amendment*

*(106b) The “attention- seeking” profiling business model of digital markets, where algorithms priorities controversial content and thus contribute to its spread online, undermines consumer’s trust in the digital markets. Therefore, this Regulation should put an end to this practice and should give users more control on how rankings are presented.*

Or. en

**Amendment 598**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Recital 106 c (new)**

*Text proposed by the Commission*

*Amendment*

*(106c) The proposal for an ‘empowered and strategic’ High Level Multi stakeholder Body for Digital Cooperation in the UN’s "Roadmap for Digital Cooperation" runs counter calls for stronger regulation of digital companies. While international cooperation is of highly importance, a genuinely democratic approach for global digital*

*governance should be uphold. To that end, obligations for gatekeepers and enforcement measurers of this Regulation should contribute to the development of appropriate global norms and polices.*

Or. en

**Amendment 599**

**Marc Angel, Christel Schaldemose, Maria Grapini, Andreas Schieder, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. This Regulation lays down harmonised rules on the provision of intermediary services in the internal market. In particular, it establishes:

*Amendment*

1. This Regulation lays down harmonised rules on the provision of intermediary services in ***order to improve the functioning of*** the internal market. In particular, it establishes:

Or. en

*Justification*

*We need to make a link with the Article 114 TFEU legal basis and the objectives of the Regulation by adding this reference. This is also in line with Better Regulation principles: the EU legislator needs to be clear why it legislates.*

**Amendment 600**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article premier – paragraph 1 – point a**

*Text proposed by the Commission*

(a) a framework for the conditional exemption from liability of providers of intermediary services;

*Amendment*

(a) a framework for the ***possible*** conditional exemption from liability of providers of intermediary services;

Or. fr

**Amendment 601**  
**Martin Schirdewan, Anne-Sophie Pelletier**

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

*Text proposed by the Commission*

(a) a framework *for the conditional exemption from liability* of providers of intermediary services;

*Amendment*

(a) a **liability** framework of providers of intermediary services;

Or. en

**Amendment 602**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article premier – paragraph 1 – point b**

*Text proposed by the Commission*

(b) rules on specific **due diligence** obligations tailored to certain specific categories of providers of intermediary services;

*Amendment*

(b) rules on specific obligations tailored to certain specific categories of providers of intermediary services;

Or. fr

**Amendment 603**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

**(ba) rules on transparency, accountability and respect for fundamental rights as regards the design and implementation of voluntary, self- and co-regulatory measures;**

Or. en

#### Amendment 604

Maria Grapini, Christel Schaldemose, Marc Angel, Evelyne Gebhardt

#### Proposal for a regulation

#### Article 1 – paragraph 2 – point a

*Text proposed by the Commission*

(a) contribute to the proper functioning of the internal market for intermediary services;

*Amendment*

(a) contribute to the proper functioning of the internal market for intermediary services ***to ensure fair competition***;

Or. en

#### Amendment 605

Ivan Štefanec

#### 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 ***with special focus on most vulnerable as children and disabled persons*** enshrined in the Charter are effectively protected

Or. en

#### Amendment 606

Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Sylvie Guillaume, Biljana Borzan, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel

#### 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

*Amendment*

(b) set out ***harmonised*** rules for a safe, ***accessible***, predictable and trusted online environment, where fundamental rights

Charter are effectively protected.

enshrined in the Charter, ***including a high level of consumer protection***, are effectively protected.

Or. en

#### **Amendment 607**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **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, ***accessible***, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected ***and enforced***.

Or. en

#### **Amendment 608**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

#### **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 ***harmonised*** rules for a safe, predictable, ***accessible*** and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected

Or. en

#### **Amendment 609**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**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, ***accessible***, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Or. en

**Amendment 610**  
**Jordi Cañas, Maite Pagazaurtundúa**

**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, ***accessible***, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Or. en

**Amendment 611**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**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, ***accessible***, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Or. en



## Amendment 612

Alex Agius Saliba, Christel Schaldemose

### 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, **accessible**, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Or. en

#### *Justification*

*For consistency with relevant EU legislation promoting accessibility for persons with disabilities, it is necessary to reference Directive (EU)2019/882 (European Accessibility Act and the revised Audiovisual Services Directive (EU) 2018/1808.*

## Amendment 613

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler

### 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 **harmonised** rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Or. en

## Amendment 614

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Krzysztof Hetman, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Barbara Thaler

**Proposal for a regulation**

**Article 1 – paragraph 2 – point b – point i (new)**

*Text proposed by the Commission*

*Amendment*

*i) facilitate innovations, support digital transition, encourage economic growth and create a level playing field for digital services within the internal market while strengthening consumer protection and contributing to increased consumer choice.*

Or. en

**Amendment 615**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

*1) Establish a foundation that allows the creation of a European platform economy and facilitates the build-up of digital resilience within the Union.*

Or. en

**Amendment 616**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

*2) protect consumers making use of the services falling under this Regulation.*

Or. en

**Amendment 617**  
**Karen Melchior**

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

*Text proposed by the Commission*

*Amendment*

***(ba) facilitate innovation, support digital transition, encourage economic growth and an investment climate to create a level playing field for digital services within the internal market that respect and promote fundamental rights enshrined in the Charter***

Or. en

**Amendment 618**  
**Alex Agius Saliba**

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

*Text proposed by the Commission*

*Amendment*

***(ba) establish a high level of consumer protection, product safety and design the provision of intermediary services with the best interests of the child.***

Or. en

**Amendment 619**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

***(ba) achieve a high level of consumer protection in the Digital Single Market.***

Or. en

## Amendment 620

Martin Schirdewan, Anne-Sophie Pelletier

### Proposal for a regulation

#### Article 1 – paragraph 3

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

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.

##### *Amendment*

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 621

Alex Agius Saliba

### Proposal for a regulation

#### Article 1 – paragraph 3

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

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.

##### *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 ***and traders***, irrespective of the place of establishment of the ***traders or*** providers of those services.

Or. en

##### *Justification*

*need to clarify that traders are also in the scope even if they are established outside the EU, as far as they target EU markets.*

## Amendment 622

Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher

**Proposal for a regulation**  
**Article 1 – paragraph 3**

*Text proposed by the Commission*

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.

*Amendment*

3. This Regulation shall apply to intermediary services ***directed at and*** 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.

Or. en

*Justification*

*The Scope must be clear in that it only applies to services directed at the Union. The mere lack of geoblocking should not be seen as providing a service to the Union.*

**Amendment 623**

**Morten Løkkegaard, Vlad-Marius Botoș, Ivars Ijabs, Marco Zullo, Jordi Cañas**

**Proposal for a regulation**

**Article 1 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. This Regulation is without prejudice to the rules laid down by the following:

*Amendment*

5. This regulation ***and its exception of liability of digital operators*** is without ***any*** prejudice to ***and does not hinder future regulation of in*** the rules laid down by the following:

Or. en

*Justification*

*It is important to ensure, that the DSA does not hinder further regulation in the sectorial legislation, e.g. the inclusion of online marketplaces in the scope of the various product safety, consumer protection and environmental rules, where they are not included today, as online platforms and online marketplaces are supposed to be regulated in the DSA.*

**Amendment 624**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

**Proposal for a regulation**

**Article 1 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. This Regulation ***is without prejudice to*** the rules laid down by the following:

*Amendment*

5. This Regulation ***shall and will not affect*** the rules laid down by the following:

Or. en

*Justification*

*The current wording leaves too much legal uncertainty as to which provisions apply when. Thus, it is of paramount importance to clarify here that sector-specific legislation - in particular when affecting the freedom and diversity of the media and areas covered by Art. 167 (4) TFEU (e.g. foster cultural & linguistic diversity) - prevails before horizontal rules as introduced with the Digital Services Act package.*

**Amendment 625**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) Directive **2010/13/EC**;

*Amendment*

(b) Directive **2010/13/EU as amended by Directive 2018/1808/EU**;

Or. en

**Amendment 626**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) Directive **2010/13/EC**;

*Amendment*

(b) Directive **(EU) 2018/1808 and Directive (EU) 2019/882**;

Or. en

### *Justification*

*For consistency with relevant EU legislation promoting accessibility for persons with disabilities, it is necessary to reference Directive (EU) 2019/882 (European Accessibility Act and the revised Audiovisual Services Directive (EU) 2018/1808.*

#### **Amendment 627**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**

on behalf of the Greens/EFA Group

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

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

*Text proposed by the Commission*

*Amendment*

(b) Directive **2010/13/EC**;

(b) Directive **2018/1808**;

Or. en

### *Justification*

*Technical amendment*

#### **Amendment 628**

**Jordi Cañas, Maite Pagazaurtundúa**

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

##### **Article 1 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) Audiovisual Services Directive  
(EU) 2018/1808.**

Or. en

#### **Amendment 629**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri,**

**Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**

on behalf of the ID Group

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

##### **Article 1 – paragraph 5 – point b a (new)**



*Text proposed by the Commission*

*Amendment*

**(ba) Directive (EU) 2019/882**

Or. en

**Amendment 630**

**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

**(bb) Directive (EU) 2019/882  
(European Accessibility Act).**

Or. en

**Amendment 631**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Marco Zullo,  
Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) Union law on copyright and related  
rights;**

**(c) Union law on copyright and related  
rights, *in particular Directive (EU)  
2019/790 on Copyright and Related  
Rights in Digital Single Market;***

Or. en

**Amendment 632**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe  
Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

(c) Union law on copyright and related rights;

(c) Union law on copyright and related rights, ***in particular Directive (EU) 2019/790 on Copyright and Related Rights in Digital Single Market;***

Or. en

**Amendment 633**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 1 – paragraph 5 – point c**

*Text proposed by the Commission*

*Amendment*

(c) ***Union law*** on copyright and related rights;

(c) ***Directive(EU) 2019/790*** on copyright and related rights ***in the Digital Single Market***

Or. en

**Amendment 634**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point h**

*Text proposed by the Commission*

*Amendment*

(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394;

(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394, ***Regulation (EU) 2019/1020 and Regulation XXX (General Product Safety Regulation);***

Or. en

**Amendment 635**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 1 – paragraph 5 – point i**

*Text proposed by the Commission*

(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC.

*Amendment*

(i) Union law on the protection of personal data ***and privacy***, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC.

Or. en

*Justification*

*important clarification for legal certainty.*

**Amendment 636**  
**Brando Benifei, Christel Schaldemose, Monika Beňová**

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

*Text proposed by the Commission*

*Amendment*

**(ia) Directive (EU)2020/1828;**

Or. en

**Amendment 637**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

**(ia) Directive(EU) 2019/882.**

Or. en

**Amendment 638**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ia) Directive (EU) 2019/882**

Or. en

*Justification*

*Web Accessibility Directive*

**Amendment 639**

**Alex Agius Saliba**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ia) Directive 2018/1972/EC**

Or. en

*Justification*

*Certain aspects of Interpersonal communication Services which are not related to the DSA already fall within the regulatory scope of the EECD. Reference to this Directive should therefore, be included.*

**Amendment 640**

**Christel Schaldemose, Andreas Schieder, Maria Grapini, Maria-Manuel Leitão-Marques, Clara Aguilera, Adriana Maldonado López, Evelyne Gebhardt, Brando Benifei, Monika Beňová, Marc Angel**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ia) Directive (EU) 2019/882**

Or. en

*Justification*

*Reference to the Accessibility Act*

**Amendment 641**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 1 – paragraph 5 – point i b (new)**

*Text proposed by the Commission*

*Amendment*

**(ib) Directive 2013/11/EU**

Or. en

*Justification*

*Reference to the Consumer ADR Directive should be included.*

**Amendment 642**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 1 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Commission shall by [within one year of the adoption of this Regulation] publish guidelines with regards to the relations between this Regulation and those legislative acts listed in Article 1(5). These guidelines shall clarify any potential conflicts between the conditions and obligations enlisted in these legislative acts and which act prevails where actions, in line with this**

***Regulation, fulfil the obligations of another legislative act and which regulatory authority is competent.***

Or. en

*Justification*

*Guidelines are need to understand the interplay between the different pieces of legislation.*

**Amendment 643**

**Petra Kammerevert, Evelyne Gebhardt, Sylvie Guillaume, Christel Schaldemose**

**Proposal for a regulation**

**Article 1 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. This Regulation shall not affect the possibility of Member States to adopt new legislation as well as to take regulatory measures, especially with regard to intermediary service providers that serve a legitimate public interest, in particular to protect the freedom of information and media or to foster the diversity of media and opinion or of cultural and linguistic diversity.***

Or. en

**Amendment 644**

**Maria Grapini, Marc Angel, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 1a***

***Contractual provisions***

***1. Any contractual provisions between an intermediary service provider and a trader, business user, or a recipient of its service which are contrary to this***

*Regulation shall be unenforceable.*

*2. This Regulation shall apply irrespective of the law applicable to contracts concluded between providers of intermediary services and a recipient of the service, a consumer, a trader or business user.*

Or. en

**Amendment 645**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

**Proposal for a regulation**

**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 1a***

***No circumvention of the rules set out in this Regulation***

***1. Any contractual provision between an intermediary service provider and a recipient of its service, between an intermediary service provider and a trader or between a recipient of its service and a trader, which is contrary to this Regulation, is invalid.***

***2. This Regulation shall apply irrespective of the law applicable to contracts.***

Or. en

**Amendment 646**

**Marc Angel, Christel Schaldemose, Maria Grapini, Andreas Schieder, Brando Benifei, Maria-Manuel Leitão-Marques, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 1a***



### ***Objective***

***The aim of this Regulation is to contribute to the proper functioning of the internal market by setting out harmonised rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.***

Or. en

### ***Justification***

*Article 1 of a Regulation should explain its ultimate objectives and the link with the legal basis, and not only provide a table of contents. The current wording of Article 1 summarises the “what” of the DSA. We propose a self-standing Article 1a explaining the “why”. It is also in line with Better Regulation principles (transparency with respect to the will of the legislator, interpretation of the regulation by judges etc.).*

### **Amendment 647**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

### **Proposal for a regulation**

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

#### *Text proposed by the Commission*

(b) ‘recipient of the service’ means any natural or legal person who uses the relevant intermediary service;

#### *Amendment*

(b) ‘recipient of the service’ means any natural or legal person who, ***for professional reasons or otherwise***, uses the relevant intermediary service ***in particular for the purposes of seeking information or making it accessible***;

Or. en

### **Amendment 648**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

(b) 'recipient of the service' means any natural or legal person who uses the relevant intermediary service;

(b) 'recipient of the service' means any natural or legal person who, **for professional ends or otherwise**, uses the relevant intermediary service **for seeking information or making it accessible**;

Or. en

*Justification*

*This is in line with the JURI INL (P9\_TA(2020)0273) and to make the definition coherent with the ECD.*

**Amendment 649**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ba) 'active end user' means an individual successfully accessing an online interface and having significant interaction with it, its product or service;**

Or. en

**Amendment 650**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 651**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*the AM aims to keep the definition consistent with other EU laws*

**Amendment 652**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 653**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d – introductory part**

*Text proposed by the Commission*

(d) ‘to offer services in the Union’

*Amendment*

(d) ‘to offer services in the Union’

means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services *which has a substantial connection to the Union; such a substantial connection is deemed to exist where the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:*

means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services.

Or. fr

#### **Amendment 654**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

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

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

(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is *deemed to exist* where *the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:*

##### *Amendment*

(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is *given* where *activities are targeted towards one or more Member states.*

Or. en

#### **Amendment 655**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

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

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

*Text proposed by the Commission*

(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is deemed to exist where the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on *specific factual criteria, such as:*

*Amendment*

(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is deemed to exist where the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on

Or. en

**Amendment 656**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. fr

**Amendment 657**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. en

#### **Amendment 658**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### **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 659**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Tomislav Sokol, Axel Voss, Ivan Štefanec**

#### **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

#### *Justification*

*As "significant number of users" is a vague concept that doesn't provide legal clarity.*

#### **Amendment 660**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

#### **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

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

Or. en

**Amendment 661**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

— a significant number of **average monthly active recipients** in one or more Member States; or

Or. en

*Justification*

*A Significant number should be more defined and not based on all users, but active recipients*

**Amendment 662**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

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

*Text proposed by the Commission*

— **the targeting of activities towards one or more Member States.**

*Amendment*

**deleted**

Or. en

**Amendment 663**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

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

*Text proposed by the Commission*

— **the targeting of activities towards one or more Member States.**

*Amendment*

**deleted**

Or. fr

**Amendment 664**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

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

*Text proposed by the Commission*

— *the **targeting*** of activities towards one or more Member States.

*Amendment*

— *the **proactive directing*** of activities towards one or more Member States.

Or. en

*Justification*

*The mere lack of geoblocking should not be seen as directing one's activities. Moreover the term "directing" instead of "targeting" is what is found in Rome I and Brussels I*

**Amendment 665**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Ivan Štefanec, Barbara Thaler**

**Proposal for a regulation**

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

*Text proposed by the Commission*

— the ***targeting*** of activities towards one or more Member States.

*Amendment*

— the ***directing*** of activities towards one or more Member States.

Or. en

*Justification*

*In line with existing legislation.*

**Amendment 666**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Dragoș Pîslaru, Milan Brglez, Alex Agius Saliba, Brando Benifei, Ioan-Rareș Bogdan, Josianne Cutajar, Eva Kaili**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point d a (new)**



*Text proposed by the Commission*

*Amendment*

*(da) ‘child’ means any natural person under the age of 18;*

Or. en

**Amendment 667**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;

(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession, ***irrespective of the legality of those actions;***

Or. en

*Justification*

*Traders in Illegal goods are still traders.*

**Amendment 668**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is ***acting***, including through any person acting in his or her name or on his or her behalf, for

(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is ***offering goods or services***, including through any person acting in his or her

purposes relating to his or her trade,  
business, craft or profession;

name or on his or her behalf, for purposes  
***directly*** relating to his or her trade,  
business, craft or profession;

Or. en

*Justification*

*Aligns the text more closely with the E-Commerce Directive, to avoid confusion.*

**Amendment 669**

**Arba Kokalari, Pablo Arias Echeverría, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Marion Walsmann**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) ‘trader’ means ***any natural person, or*** any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;

*Amendment*

(e) ‘trader’ means any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;

Or. en

*Justification*

*To exclude private individuals from obligations for traders.*

**Amendment 670**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Tomasz Frankowski**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) ‘business customer’ means:  
- legal entities, except any entity which  
qualifies as a large undertaking as  
defined in Article 3(4) of Directive  
2013/34 of the European Parliament and***

*the Council;*

*- any natural person that purchases a type or amount of service indicative of, or otherwise indicates, the intent to operate a business online or contracts for the purchase of more than €10,000 of services provided by the intermediary service provider in a one-year period;*

Or. en

#### **Amendment 671**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Svenja Hahn, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### **Amendment 672**

**Geoffroy Didier, Sabine Verheyen, Tomasz Frankowski**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### **Amendment 673**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

## Proposal for a regulation

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

#### *Text proposed by the Commission*

— a ‘mere conduit’ service that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network;

#### *Amendment*

— a ‘mere conduit’ service that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, ***including technical auxiliary functional services***;

Or. en

## Amendment 674

Kosma Zlotowski

## Proposal for a regulation

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

#### *Text proposed by the Commission*

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

#### *Amendment*

— a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service, ***unless this activity is an ancillary and additional feature of another service which is not an information society service and cannot, for objective or technical reasons, be provided independently of it***;

Or. en

## Amendment 675

Geoffroy Didier, Brice Hortefeux, Nathalie Colin-Oesterlé

## Proposal for a regulation

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

*and which does not have any active role  
in data processing;*

Or. en

**Amendment 676**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

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

*Text proposed by the Commission*

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

*Amendment*

— a ‘hosting’ service that consists of the ***storage or the allowance of*** storage of information provided by, and at the request of, a recipient of the service;

Or. en

**Amendment 677**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 678**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 679**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Karen Melchior, Laurence Farreng**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) live streaming platform services shall be defined as information society services of which the main or one of the main purposes is to give the public access to audio or video material that is live broadcasted by its users, which it organises and promotes for profit-making purposes;***

Or. en

**Amendment 680**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point f b (new)**

*Text proposed by the Commission*

*Amendment*

***(fb) private messaging services shall be defined as number-independent interpersonal communications services as defined in Article 2(7) of Directive (EU) 2018/1972, excluding transmission of electronic mail as defined in Article 2 (h) of Directive 2002/58/EC;***

Or. en

## Amendment 681

Tomislav Sokol, Ivan Štefanec, Pablo Arias Echeverría

### Proposal for a regulation

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

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

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

##### *Amendment*

(g) ‘illegal content’ means any information which, in itself or by its reference to an activity, including the sale of products or provision of services **but in particular fake online profile account**, 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 682

Marc Angel, Christel Schaldemose, Maria Grapini, Sylvie Guillaume, Maria-Manuel Leitão-Marques, Evelyn Gebhardt

### Proposal for a regulation

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

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

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

##### *Amendment*

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

Or. en

##### *Justification*

*Any national law defining illegal content needs to be in conformity with Union law. In case a national law is not in conformity with Union law, illegal content as defined in that national law shall not be covered by the definition in the DSA – otherwise the DSA (i.e. Union law) would make that illegal content lawful. This modification is also in line with suggested AM to*

*Recital 12.*

**Amendment 683**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point g**

*Text proposed by the Commission*

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

*Amendment*

(g) ‘illegal content’ means any information, which, in itself or by its reference to 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 ***that is in conformity with Union law and*** irrespective of the precise subject matter or nature of that law;

Or. en

*Justification*

*National law for removal of illegal content should always be compliant with Union law.*

**Amendment 684**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**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) ‘***allegedly*** 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 ***subject to allegations of non*** compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

Or. en



## Justification

*To ensure more precision and allow greater proportionality concerning actions from providers, a distinction between manifestly illegal and allegedly illegal should be made. Moreover, allegedly illegal content and manifestly illegal content are being used throughout the text without there being a definition (Article 13, recital 47 and Article 20) so introducing this definition is necessary.*

### Amendment 685

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

#### 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 ***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 686

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

#### 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

### *Justification*

*To clarify the definition of illegal content so it does not include content only depicting or referring to illegal activities.*

#### **Amendment 687**

**Jean-Lin Lacapelle, Virginie Joron**

#### **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*

*(Does not affect the English version.)*

Or. fr

#### **Amendment 688**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### **Amendment 689**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**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 ***specific*** information ***or*** activity, 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 690**

**Carlo Fidanza**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point g – point i (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. it

**Amendment 691**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

(ga) ‘***manifestly illegal content***’ means any information which has been subject of a specific ruling by a court or administrative authority of a Member State or where it is evident to a layperson, without any substantive analysis, that the

*content is in not in compliance with  
Union law or the law of a Member State;*

Or. en

*Justification*

*See above, there should be a definition, wording borrowed from recital 47.*

**Amendment 692  
Geert Bourgeois**

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

*Text proposed by the Commission*

*Amendment*

*(ga) ‘illegal content related to serious crimes’ means any information which, in itself or by its reference to an activity, including the sale of products or provision of services, appears on the list of ‘serious crimes’ in Annex I;*

Or. nl

**Amendment 693  
Geert Bourgeois**

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

*Text proposed by the Commission*

*Amendment*

*(gb) ‘manifestly illegal content’ means content the illegality of which is evident to a layperson without any substantive analysis;*

Or. nl

**Amendment 694  
Andrea Caroppo, Salvatore De Meo**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

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

*Amendment*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, ***with the exception of services provided by cooperative organisations exclusively to their members established in the European Union with whom they have a direct organisational, cooperative, associative or capital ownership link within the framework of an organised distribution network operating publicly under a common brand,*** unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

Or. en

**Amendment 695**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

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

*Amendment*

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

applicability of this Regulation.

applicability of this Regulation. ***For the purpose of this Regulation, cloud computing service shall not be considered to be an online platform in cases where allowing the dissemination of hyperlinks to a specific content constitutes a minor and ancillary feature.***

Or. en

### *Justification*

*Cloud Computing Infrastructure should not be seen as an online platform*

## **Amendment 696** **Maria Grapini**

### **Proposal for a regulation** **Article 2 – paragraph 1 – point h**

#### *Text proposed by the Commission*

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

#### *Amendment*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service:

***(a)*** stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation, ***or***

***(b)*** interacts with user generated content, ***or***

***(c)*** retains available technical capabilities to address the problem in most expedient

*and proportionate manner.*

Or. en

**Amendment 697**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

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

*Amendment*

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

***Infrastructure services such as webhosting or cloud service providers shall not be covered by the definition of online platforms;***

Or. en

**Amendment 698**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor ***and*** purely ancillary feature of another service and, for

*Amendment*

(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor ***or a*** purely ancillary feature of another ***service or***

objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.

***functionality of the principal*** service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature ***or functionality*** into the other service is not a means to circumvent the applicability of this Regulation.

Or. en

#### Amendment 699

Geoffroy Didier, Brice Hortefeux, Nathalie Colin-Oesterlé

#### Proposal for a regulation

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

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

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

##### *Amendment*

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

Or. en

#### Amendment 700

Ivan Štefanec

#### Proposal for a regulation

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

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

##### *Amendment*

***(ha) ‘editorial platform’ means an intermediary service which is in connection with a press publication within the meaning of Article 2(4) of Directive (EU) 2019/790 or another editorial media service and which allows users to discuss***



***topics generally covered by the relevant media or to comment editorial content and which is under the supervision of the editorial team of the publication or other editorial media.***

Or. en

### *Justification*

*Newspapers and magazines depend on the possibility to offer third parties, their readers, the ability to comment or contribute to comment sections, editorial forums and communities in the context of their publications. These offerings are intermediary services according to the DSA. Such services are not merely optional add-ons that can be discontinued without any effect on the publications' journalistic and economic success. Rather, they are usually integral parts of the publication, indispensable to enable readers to engage in discussions with each other and with the editorial team. The proposed content control obligations of Chapter III DSA would create disproportionate and impossible burdens for those editorial platforms and jeopardise editorial freedom. These platforms generally don't provide any direct revenue to publishers and therefore any additional burden would render them impossible to operate. As a result, spaces for qualitative and serious discussions online would be diminished and the gatekeeper platforms would entrench their control over the formation of opinion online.*

### **Amendment 701**

**Leszek Miller**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***(ha) 'editorial platform' means an intermediary service which is in connection with a press publication within the meaning of Article 2(4) of Directive (EU) 2019/790 or another editorial media service and which allows users to discuss topics generally covered by the relevant media or to comment editorial content and which is under the supervision of the editorial team of the publication or other editorial media.***

Or. en

**Amendment 702**  
**Karen Melchior, Anna Júlia Donáth**

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

*Text proposed by the Commission*

*Amendment*

**(ha) ‘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 703**  
**Adam Bielan, Kosma Złotowski, Beata Mazurek**

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

*Text proposed by the Commission*

*Amendment*

**(ha) ‘online social networking service’ means a platform that enables end users to connect, share, discover and communicate with each other across multiple devices and, in particular, via chats, posts, videos and recommendations;**

Or. en

**Amendment 704**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

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

*Text proposed by the Commission*

*Amendment*

**(ha) ‘online marketplace’ means an online platform that allows consumers to conclude distance contracts with other traders or consumers on their platform;**

Or. en

**Amendment 705**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ha) ‘cloud computing service’ means a digital service that enables access to a scalable and elastic pool of shareable computing resources;**

Or. en

**Amendment 706**

**Marion Walsmann**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ha) “online marketplace” means an online platform which allows consumers to conclude distance contracts with other traders or consumers;**

Or. en

**Amendment 707**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 708**  
**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé, Tomasz Frankowski**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 709**  
**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

*Amendment*

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

### *Justification*

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

#### **Amendment 710**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

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

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

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

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

##### *Amendment*

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

#### **Amendment 711**

**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

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

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

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

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

##### *Amendment*

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

#### **Amendment 712**

**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

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

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

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

##### *Amendment*

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

Or. en

##### *Justification*

*This terminology brings it more closely in line with the ECD: “in particular for the purposes of seeking information or making it accessible;”*

#### **Amendment 713**

**Kosma Zlotowski**

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

#### **Article 2 – paragraph 1 – point i a (new)**

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

##### *Amendment*

**(ia) ‘online marketplace’ means an online platform which facilitates traders to access consumers, advertises their offer and redirects to their profile or website, regardless of whether the transaction is finalised on the platform or outside the platform;**

Or. en

#### **Amendment 714**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

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

*Text proposed by the Commission*

*Amendment*

**(ia) ‘online marketplace’ means an online platform which allows consumers to conclude distance contracts with traders on its platform;**

Or. en

**Amendment 715**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point k**

*Text proposed by the Commission*

*Amendment*

**(k) ‘online interface’ means any software, including a website or a part thereof, and applications, including mobile applications;**

**(k) ‘online interface’ means any software, including a website or a part thereof, and applications, including mobile applications *which enables recipients of the service to access and interact with the relevant intermediary service;***

Or. en

**Amendment 716**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

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

*Text proposed by the Commission*

*Amendment*

**(ka) ‘trusted flagger’ means an entity that has been nominated by a Digital Services Coordinator based on specific conditions to be authorised to issue priority notifications as to illegal content found on a platform.**

**Amendment 717**  
**Alex Agius Saliba**

**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 ***or sponsor information, products or services*** of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed ***or communicated aurally*** by an online platform ***or parts thereof*** on its online interface against ***direct or indirect*** remuneration specifically for promoting that information, ***product or service***;

Or. en

*Justification*

*AM aims to create legal certainty and include all new forms of advertising.*

**Amendment 718**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**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 ***the person is incorporated or unincorporated and irrespective of whether the information is designed*** to achieve commercial or non-commercial purposes, and displayed by an online



platform on its online interface **normally** against remuneration specifically for promoting that **message**;

Or. en

## **Amendment 719**

**Jiří Pospíšil**

### **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;

Or. en

## **Amendment 720**

**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Tomislav Sokol, Axel Voss, Ivan Štefanec, Barbara Thaler**

### **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 **and disseminated** 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 **in exchange** for promoting that information;

Or. en

#### Amendment 721

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

#### 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 specifically for promoting that information;

Or. en

#### Amendment 722

Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak  
on behalf of the Greens/EFA Group

#### 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, **prioritise or rank** 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 723

Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé

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

*Amendment*

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services, ***regardless of whether they are automated or processed by a person, which are*** aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients’ ability to provide that information, such as the termination or suspension of a recipient’s account;

Or. en

**Amendment 724**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**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 removal thereof, or the recipients’ ability to provide that information, such as the

*Amendment*

(p) ‘content moderation’ means the activities, ***either through automated or manual means***, 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, ***monetisation*** and accessibility of that illegal content or that information, such as demotion, disabling of access to, ***delisting, demonetisation*** or removal

termination or suspension of a recipient's account;

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

Or. en

**Amendment 725**  
**Geert Bourgeois**

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

*Amendment*

(p) 'content moderation' means, ***within the limits of the rules laid down by this Regulation***, 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 removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

Or. nl

**Amendment 726**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**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

*Amendment*

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

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 removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account, ***be it through automated means or human operators***;

Or. en

### *Justification*

*The amendment seeks to clarify the actors in the content moderation procedure. Language is based on the JURI INL (P9\_TA(2020)0273) report.*

## **Amendment 727**

**Jean-Lin Lacapelle, Virginie Joron**

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

##### *Amendment*

(p) 'content moderation' means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content 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 removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;

Or. fr

## Amendment 728

Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Róza Thun und Hohenstein, Tomislav Sokol, Ivan Štefanec, Pilar del Castillo Vera, Andrea Caroppo, Barbara Thaler

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

##### *Amendment*

(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, **demonetisation**, disabling of access to, or removal thereof, or the recipients’ ability to provide that information, such as the termination or suspension of a recipient’s account;

Or. en

## Amendment 729

Jiří Pospíšil

### 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 removal thereof, or the recipients’ ability to

##### *Amendment*

(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, **prevention**, disabling of access to, or removal thereof, or the recipients’

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

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

Or. en

#### **Amendment 730**

**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

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

#### **Article 2 – paragraph 1 – point p a (new)**

*Text proposed by the Commission*

*Amendment*

**(pa) ‘deep fake’ means a generated or manipulated image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful;**

Or. en

#### **Amendment 731**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

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

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

*Text proposed by the Commission*

*Amendment*

(q) ‘terms and conditions’ means all terms and conditions or specifications, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.

(q) ‘terms and conditions’ means all terms and conditions or specifications **by the service provider**, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services, **and are unilaterally determined by the provider of online intermediary services and that unilateral determination of terms and conditions is being evaluated on the basis of an overall assessment for which the relative size of the parties concerned, the**

*fact that a negotiation took place, or that certain provisions thereof might have been subject to such a negotiation and determined together by the relevant provider and recipient are not, in themselves, decisive; or the rules laid down by the intermediary service provider under which users will be allowed to use the intermediation service concerned.*

Or. en

*Justification*

*Wording from the P2B Regulation*

**Amendment 732**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q**

*Text proposed by the Commission*

(q) ‘terms and conditions’ means all terms and conditions or specifications, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.

*Amendment*

(q) ‘terms and conditions’ means all terms and conditions or specifications, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.  
***Providers of online services must not impose requirements in their online conditions which exceed what is stipulated in the national regulations of the country where the service is provided.***

Or. fr

**Amendment 733**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q a (new)**



*Text proposed by the Commission*

*Amendment*

*(qa) overriding reasons of public interest' means reasons recognised as such in the case law of the Court of Justice, including the following grounds: public policy; public security; public safety; public health; preserving the financial equilibrium of the social security system; the protection of consumers, recipients of services and workers; the protection of youth; fairness of trade transactions; combating fraud; the protection of the environment and the urban environment; the health of animals; intellectual property; the conservation of the national historic and artistic heritage; social policy objectives and cultural policy objectives; housing.*

Or. en

**Amendment 734**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

*(qa) “media service provider” means the natural or legal person who has editorial responsibility for the content and services they offer, determines the manner in which it is organised, and complies with specific provisions or an audiovisual media service provider within the meaning of Article 1 paragraph 1(a) of Directive 2010/13/EU;*

Or. en

**Amendment 735**

**Karen Melchior**

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

*Text proposed by the Commission*

*Amendment*

**(qa) 'dark patterns' means an online interface or a part thereof that via its structure, function or manner of operation subverts or impairs the autonomy, decisions-making, or choice of recipients of the service.**

Or. en

**Amendment 736**  
**Alex Agius Saliba**

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

*Text proposed by the Commission*

*Amendment*

**(qa) 'online marketplace' means a service using software, including a website, part of a website or an application, operated by or on behalf of a trader which allows consumers to conclude distance contracts with other traders or consumers.**

Or. en

*Justification*

*This amendment brings the definition of online marketplaces of Directive (EU) 2019/2161 into the DSA to define the term used in other amendments suggested. It is important that 'online marketplace' is understood in a broad sense to ensure it is future-proof.*

**Amendment 737**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

**(qa) ‘dark pattern’ means an online interface or apart thereof that via its structure, design or functionality subverts or impairs the autonomy, decision-making, preferences or choice of recipients of the service.**

Or. en

*Justification*

*Definition of dark patterns to accompany the corresponding amendment for Article 13a (new)*

**Amendment 738**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) ‘dark pattern’ means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making or choice.**

Or. en

*Justification*

*In line with the Parliament's position on the AI framework*

**Amendment 739**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit, Jean-Lin Lacapelle, Virginie Joron**  
on behalf of the ID Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) "persons with disabilities" means person within the meaning of Article 3(1) of Directive(EU) 2019/882;**

Or. en

**Amendment 740**

**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q a (new)**

*Text proposed by the Commission*

*Amendment*

**(qa) ‘persons with disabilities’ means persons within the meaning of Article 3 (1) of Directive (EU) 2019/882.**

Or. en

**Amendment 741**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q b (new)**

*Text proposed by the Commission*

*Amendment*

**(qb) ‘competent authority’ means any Member States’ legal and natural person that is designated by the Member States in accordance with their national law to carry out tasks which include tackling illegal content online, including law enforcement authorities and administrative authorities charged with enforcing law, irrespective of the nature or specific subject matter of that law, applicable in certain particular fields.**

Or. en

**Amendment 742**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q b (new)**

*Text proposed by the Commission*

*Amendment*

**(qb) ‘persons with disabilities’ means persons with disabilities within the meaning of Article 3(1) of Directive (EU) 2019/882**

Or. en

**Amendment 743**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q b (new)**

*Text proposed by the Commission*

*Amendment*

**(qb) ‘persons with disabilities’ means persons within the meaning of Article 3 (1) of Directive (EU) 2019/882;**

Or. en

*Justification*

*Defining ‘persons with disabilities’ will ensure that accessibility is interpreted in the meaning of the UN CRPD. This definition will also ensure consistency with existing Union legislation on accessibility of services and products, namely the European Accessibility Act.*

**Amendment 744**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q c (new)**

*Text proposed by the Commission*

*Amendment*

**(qc) ‘online market places’ means a**

*service using software, including a website, part of a website or an application, operated by or on behalf of a trader, which allows consumer to conclude distance contracts with other traders or consumers, in accordance with Directive 2005/29/EC.*

Or. en

**Amendment 745**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Marco Zullo, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point q c (new)**

*Text proposed by the Commission*

*Amendment*

*(qc) ‘deep fake’ means a generated or manipulated image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful.*

Or. en

**Amendment 746**

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

**Proposal for a regulation**

**Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 2a*

*1. Providers of information society services shall only deliver and display advertising that is based on contextual information such as keywords, language context, or the approximate geographical*

*region of the recipient of the service to whom an advertisement is delivered or displayed.*

*2. The use of the contextual information referred to in paragraph 1 shall only be permissible if the advertisement is delivered in real time, that related data are not stored and that it does not involve the direct or, by means of combining it with other information, indirect identification of a natural person or group of persons, in particular by reference to an identifier such as a name, an identification number, precise 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 group of persons.*

*3. Providers of information society services that deliver and display advertising on their online interfaces or on third-party services 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:*

*(a) that the information displayed is an advertisement;*

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

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

Or. en

#### *Justification*

*In line with the IMCO INL P9\_TA(2020)0272, paragraph 33. The IMCO study published in June 2021 on online advertising has found that current targeted advertising practices are highly problematic from the perspective that they contribute to undermining consumer trust in digital markets. In addition, it found that “as harmful practices continue to evolve, they may work to impede some of the growth potential of the digital economy”. Small companies, traditional media services and other market participants increasingly report shrinking*

advertising revenue and are facing challenges as they are kept in the dark when it comes to the calculation of fees charged by various intermediaries along the advertising value chain. What is more, according to recent reports from the advertising industry, small businesses and large European companies alike are struggling with fraud in the online advertising market. F. Such fraudulent advertising practices are increasingly used in an anti-competitive way, such as fake clicks on competitors' ads, impacting daily ad auction budgets, thereby capping the competitor's potential market reach and brand awareness.

#### **Amendment 747**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

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

##### **Article 2 a (new)**

*Text proposed by the Commission*

*Amendment*

##### **Article 2a**

##### ***Conditionality to the compliance with due diligence obligations***

***Providers of intermediary services shall be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 when they do not comply with the due diligence obligations set out in Chapter III of this Regulation.***

Or. en

#### **Amendment 748**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

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

##### **Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider shall not be liable for the information transmitted, on condition that the provider:

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, ***or an improvement of the security of that transmission,*** the service provider shall not be liable for the information transmitted,



on condition that the provider:

Or. en

**Amendment 749**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider shall not be liable for the information transmitted, on condition that the provider:

*Amendment*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider shall not ***in principle*** be liable for the information transmitted, on condition that the provider:

Or. fr

**Amendment 750**

**Adam Bielan, Kosma Złotowski, Beata Mazurek**

**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 751**

**Jean-Lin Lacapelle, Virginie Joron**

## Proposal for a regulation

### Article 4 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, the service provider shall not be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, on condition that:

#### *Amendment*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, the service provider shall not ***in principle*** be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, on condition that:

Or. fr

#### **Amendment 752**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Sandro Gozi, Stéphanie Yon-Courtin, Liesje Schreinemacher**

## Proposal for a regulation

### Article 4 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, the service provider shall not be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, on condition that:

#### *Amendment*

1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, the service provider shall not be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient ***or more secure*** the information's onward transmission to other recipients of the service upon their request, on condition that:

Or. en

#### *Justification*

*caching services do not just store information, but also make be used to scan information for*

*malware, viruses and other cybersecurity risks.*

**Amendment 753**

**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior, Liesje Schreinemacher**

**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 **final content**;

Or. en

**Amendment 754**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:

*Amendment*

1. Where an information society service is provided that consists of the **storage or the allowance of** storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:

Or. en

**Amendment 755**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where an information society

*Amendment*

1. Where an information society

service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:

service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not *in principle* be liable for the information stored at the request of a recipient of the service on condition that the provider:

Or. fr

**Amendment 756**  
**Geert Bourgeois**

**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 *manifestly* illegal content *related to serious crimes*;

Or. nl

**Amendment 757**  
**Jean-Lin Lacapelle, Virginie Joron**

**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*

*(Does not affect the English version.)*

Or. fr