



**2020/0361(COD)**

8.7.2021

# **AMENDMENTS 758 - 1011**

**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 758

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

### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### *Justification*

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

## Amendment 759

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 5 – paragraph 1 – point b

*Text proposed by the Commission*

(b) upon obtaining such knowledge **or awareness, acts expeditiously** to remove or

*Amendment*

(b) upon obtaining such knowledge, **acts** to remove or to disable access to the

to disable access to the illegal content.

illegal content *if the content or activity is to be deemed illegal under Article 2 (g)*.

Or. en

**Amendment 760**  
**Geert Bourgeois**

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

*Text proposed by the Commission*

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

*Amendment*

(b) upon obtaining knowledge *of manifestly illegal content*, acts expeditiously to remove or to disable access to *that* illegal content.

Or. nl

**Amendment 761**

**Arba Kokalari, Andrey Kovatchev, 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 5 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

(b) upon obtaining such knowledge or awareness, acts *without undue delay* to remove or to disable access to the illegal content.

Or. en

**Amendment 762**  
**Jean-Lin Lacapelle, Virginie Joron**

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

*Text proposed by the Commission*

*Amendment*

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

*(Does not affect the English version.)*

Or. fr

**Amendment 763**  
**Geert Bourgeois**

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

*Text proposed by the Commission*

*Amendment*

***1a. For an interpretation of 'expeditiously', account shall be taken at all times of all specific circumstances, in particular the size of the service provider and the resources it has or ought to have.***

Or. nl

**Amendment 764**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.

2. Paragraph 1 shall not apply:

***(a)*** where the recipient of the service is acting under the authority or the control of the provider;

***(b)*** *to market places which are considered to be very large platforms according to Article 25 and which do not comply with the Articles 11, 13, 14(1), 19(1), 22, 24 and 29 with regards to the due diligence obligations*

*(c) to very large platforms according to Article 25 if they do not comply with the obligations under Article 9 of this Regulation*

Or. en

**Amendment 765**

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

**Proposal for a regulation**

**Article 5 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.

*Amendment*

2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority, ***decisive influence*** or the control of the provider.

Or. en

**Amendment 766**

**Morten Løkkegaard, Vlad-Marius Botoș, Ivars Ijabs**

**Proposal for a regulation**

**Article 5 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

*is acting under its authority or control.*

Or. en

### *Justification*

*Article 5 (3) is one of the few articles in the DSA which deals with online marketplaces and consumer safety. The intention is to codify EJC-rulings. This is positive. However, the wording of 5 (3) is insufficient and it introduces new definitions and criteria replacing the well-established definitions in EU consumer legislation regarding “active”, “passive” and “targeting”. This creates legal uncertainty.*

### **Amendment 767**

**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 5 – paragraph 3**

#### *Text proposed by the Commission*

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

#### *Amendment*

3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control. ***In addition, the liability exemption in paragraph 1 shall not apply in case an online platform allows consumers to conclude distance contracts with third-country traders when there is no economic operator inside the Union liable for the product safety on behalf of that trader.***

Or. en

**Amendment 768**  
**Jean-Lin Lacapelle, Virginie Joron**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 769**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

3. Paragraph 1 shall not apply with respect to liability ***under consumer protection law*** of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead ***an average and reasonably well-informed*** consumer to believe that the

*Amendment*

3. Paragraph 1 shall not apply with respect to liability of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead ***a*** consumer to believe that the information, or the product or service that is the object of the transaction, is provided



information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.

either by the online platform itself or by a recipient of the service who is acting under its authority or control.

Or. en

#### *Justification*

*It is near to impossible to be “reasonably well informed” when it comes to use of AI and algorithmic targeting used by a platform. Case studies have shown that mass fraud is frequent despite different levels of awareness of the consumers (see mask sales during COVID crisis). Finally, it is unclear what “consumer protection law” would comprise*

#### **Amendment 770**

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

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

#### **Article 5 – paragraph 3**

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

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

##### *Amendment*

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

Or. en

#### *Justification*

*Marketplaces are now defined.*

## Amendment 771

Andrea Caroppo, Salvatore De Meo, Carlo Fidanza

### Proposal for a regulation

#### Article 5 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 772

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

### Proposal for a regulation

#### Article 5 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

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

recipient of the service who is acting under its authority or control.

under its authority or control.

Or. en

#### **Amendment 773**

**Karen Melchior, Anna Júlia Donáth**

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

#### **Article 5 – paragraph 3**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 774**

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

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

#### **Article 5 – paragraph 3 a (new)**

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

##### *Amendment*

***3a. Providers of intermediary services shall be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 when their main purpose is to engage in or facilitate illegal activities.***

**Amendment 775**

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

**Proposal for a regulation**

**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Paragraph 1 shall not apply when the provider of intermediary services engages in illegal activities.**

Or. en

**Amendment 776**

**Morten Løkkegaard, Vlad-Marius Botoș, Ivars Ijabs**

**Proposal for a regulation**

**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5a**

***Liability of online platform allowing consumers to conclude distance contracts with traders***

- 1. In addition to Article 5(1), an online platform allowing consumers to conclude distance contracts with traders shall not benefit from the liability exemption provided for in Article 5 if it does not comply with the obligations referred to in Articles 11, 13b, 13c, 14, 22 or 24a. Such liability exemption shall also not benefit the online platform if it does not comply with specific information requirements for contracts concluded on online marketplaces, in line with Article 6a(1) of the Directive 2011/83/EU of the European Parliament and of the Council.**
- 2. The liability exemption in Article 5(1) and in paragraph 1 of this Article**

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

*3. For the assessment of whether the online platform has that control or authority or decisive influence over the trader, relevant criteria shall include:*

*(a) the trader-consumer contract is concluded exclusively through facilities provided on the platform;*

*(b) the online platform operator withholds the identity of the trader or contact details until after the conclusion of the trader-consumer contract;*

*(c) the online platform operator exclusively uses payment systems which enable the platform operator to withhold payments made by the consumer to the trader;*

*(d) the terms of the trader-consumer contract are essentially determined by the online platform operator;*

*(e) the price to be paid by the consumer is set by the online platform operator;*

*(f) the online platform is marketing the product or service in its own name rather than using the name of the trader who will supply it;*

*4. The liability exemption in Article 5(1) of this Regulation shall not apply in case an online platform allows consumers to conclude distance contracts with traders from third countries when:*

*(a) there is no economic operator inside the Union liable for the product safety or when the economic operator is available but does not respond to claims; and*

*(b) the product does not comply with the relevant product safety and product compliance Union or national law;*

*5. Consumers concluding distance contracts with traders shall be entitled to seek redress from the online platform for infringement of the obligations laid down in this Regulation and in accordance with relevant Union and national law, i.e. liability for damages that the consumer would be entitled to according to EU rules on product liability (Council Directive 85/374/EEC), if the product is defective and sold in the EU.*

*6. The online platform shall be entitled to seek redress from the trader who has used its services in case of a failure by that trader to comply with his obligations under this Regulation regarding the online platform or regarding the consumers.*

Or. en

#### *Justification*

*Important new amendment which restores fair competition and align EU-importers and traders with third country traders. By laying the responsibility on the online marketplaces it makes an incitement for them to make sure that only responsible traders from 3rd countries have access to EU consumers. A big cost and responsible for EU companies are the duty to keep insurance etc. for product liability – in this regard the report from the rapporteur is insufficient, why it is suggested to make it clear that the online market places are liable for damages caused by defective products in line with the responsibility of physical importers and EU manufactures.*

#### **Amendment 777**

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

#### **Proposal for a regulation Article 5 a (new)**

**Article 5a**

***Liability of online platform allowing consumers to conclude distance contracts with traders***

***1. In addition to Article 5(1), an online platform allowing consumers to conclude distance contracts with traders shall not benefit from the liability exemption provided for in Article 5 if it does not comply with the obligations referred to in Articles 11, 13b, 13c, 14, 22 or 24a.***

***Such liability exemption shall also not benefit the online platform if it does not comply with specific information requirements for contracts concluded on online marketplaces, in line with Article 6a(1) of the Directive 2011/83/EU of the European Parliament and of the Council.***

***2. The liability exemption in Article 5(1) and in paragraph 1 of this Article shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead a consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its control, authority or decisive influence.***

***3. For the assessment of whether the online platform has that control or authority or decisive influence over the trader, relevant criteria shall include, among others:***

***(a) the trader-consumer contract is concluded exclusively through facilities provided on the platform;***

*(b) the online platform operator withholds the identity of the trader or contact details until after the conclusion of the trader-consumer contract;*

*(c) the online platform operator exclusively uses payment systems which enable the platform operator to withhold payments made by the consumer to the trader;*

*(d) the terms of the trader-consumer contract are essentially determined by the online platform operator;*

*(e) the price to be paid by the consumer is set by the online platform operator; or*

*(f) the online platform is marketing the product or service in its own name rather than using the name of the trader who will supply it;*

*4. The liability exemption in Article 5(1) of this Regulation shall not apply in case an online platform allows consumers to conclude distance contracts with traders from third countries when:*

*(a) there is no economic operator inside the Union liable for the product safety or when the economic operator is available but does not respond to claims or take measures to remedy the harm; and*

*(b) the product does not comply with the relevant Union or national law;*

*5. Consumers concluding distance contracts with traders shall be entitled to seek redress from the online platform for infringement of the obligations laid down in this Regulation and in accordance with relevant Union and national law.*

*6. The online platform shall be entitled to seek redress from the trader who has used its services in case of a failure by that trader to comply with his obligations under this Regulation regarding the online platform or regarding the consumers.*



**Amendment 778**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5a**

***Liability of providers of online marketplaces***

- 1. Providers of online marketplaces shall be liable for damage arising from the failure to take adequate measures to protect consumers against illegal activities upon obtaining credible evidence of such illegal activities.***
- 2. Providers of online marketplaces shall also be liable for non-compliance of the due diligence obligations under this Regulation.***
- 3. Providers of online marketplace shall be liable for damage, contract non-performance and guarantee issues arising from the failure to inform consumers about the supplier of the goods or services, in accordance with Article 4(5) of Directive (EU) 2019/2161.***
- 4. Providers of online marketplaces shall be liable for failure to take reasonable steps to remove misleading information or make this information inaccessible after having received a notice of misleading information presented by traders.***
- 5. Where the online marketplace provider has control or exerts a predominant influence over the trader, the consumer can exercise the rights and remedies available under the trader-consumer contract against the operator of the online marketplace. For the assessment of whether the online***

*marketplace has that control or a predominant influence over the trader, objective or subjective elements shall be taken into account by courts. Relevant criteria shall include, among others:*

*(a) the information communicated or the presentation of the service or the product, consumers could reasonably believe that the product or service is provided by the operator of the online marketplace.*

*(b) the trader-consumer contract is concluded exclusively through facilities provided on the online market place;*

*(c) the online marketplace provider with holds the identity of the trader or contact details until after the conclusion of the trader-consumer contract;*

*(d) the online marketplace provider exclusively uses payment systems which enable the platform operator to withhold payments made by the consumer to the trader;*

*(e) the terms of the trader-consumer contract are essentially determined by the online marketplace operator;*

*(f) the price to be paid by the consumer is set by the online marketplace operator;*

*(g) the marketing is focused on the online marketplace operator and not on traders; or*

*(h) the online marketplace provider promises to voluntary monitor the conduct of traders and to enforce compliance with its standards beyond what is required by law.*

*6. Online marketplaces providers shall be liable where the trader is identified but does not take measures to remedy the harm.*

*7. Providers of online marketplaces shall have the right of recursory action in situations where the trader failed to take sufficient level of care, to cover the part of*

*compensation corresponding to their part of responsibility for the damage, contract performance or guarantees issues.*

Or. en

*Justification*

*While the proposed Article 5(3) could hold marketplaces responsible in cases where they present the information in question or consumers are led to believe the marketplace itself was the seller, it fails to go far enough. The DSA must establish a clear liability regime to tackle widespread illegal activities in online marketplaces and to ensure consumers are adequately protected and compensated if they suffer damage.*

**Amendment 779**

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

**Proposal for a regulation**

**Article 6**

*Text proposed by the Commission*

*Amendment*

*Article 6*

*deleted*

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

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

Or. en

**Amendment 780**

**Alex Agius Saliba**

**Proposal for a regulation**

**Article 6**

*Text proposed by the Commission*

*Amendment*

**Article 6**

**deleted**

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

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

Or. en

*Justification*

*Platforms should not need to take voluntary actions beyond what is required by law if the latter is clear about the duties they need to undertake. We don't need to add more protections to intermediary service providers that adopt “voluntary” actions. This could render enforcement less effective. Just because voluntary action is taken, it does not mean platforms will effectively protect consumers.*

**Amendment 781**

**Karen Melchior**

**Proposal for a regulation**

**Article 6**

*Text proposed by the Commission*

*Amendment*

**Article 6**

**deleted**

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

***Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or***

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

Or. en

**Amendment 782**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

**Amendment 783**

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

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or*

*deleted*

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

Or. en

*Justification*

*This Article is not needed, since up until now, courts have never considered that for instance, the use of YouTube's Content ID led to YouTube playing an active role in the provision of its users' content. Companies should be encouraged to innovate their content moderation practices, however we should rule out that private companies are given even more impunity in deciding over the legality of content online.*

**Amendment 784**

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

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 785**

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

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 786**

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

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, ***to enforce their terms and conditions in accordance with Article 12*** or take the necessary measures to comply with the requirements of Union ***or national*** law, including those set out in this Regulation.

Or. en

*Justification*

*Voluntary measures should not only apply to illegal content but also content disallowed under*

*the terms and conditions of a provider.*

**Amendment 787**

**Arba Kokalari, 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**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they **take the necessary** voluntary own-initiative **investigation measures** aimed at detecting, identifying and removing, or disabling of access to, illegal content to comply with the requirements of Union law, including those set out in this Regulation, **without prejudice to freedom of expression.**

Or. en

*Justification*

*To prevent over-removal of content.*

**Amendment 788**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 6 – paragraph 1**

*Text proposed by the Commission*

Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the

*Amendment*

*(Does not affect the English version.)*



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

Or. fr

**Amendment 789**  
**Petra Kammerevert**

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

*Text proposed by the Commission*

*Amendment*

***Measures taken pursuant to paragraph 1 shall be effective, proportionate, specific, targeted and in accordance with the Charter***

Or. en

**Amendment 790**

**Arba Kokalari, Andrey Kovatchev, 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**  
**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Providers of intermediary services shall ensure that such measures are accompanied with appropriate safeguards, such as oversight, documentation and traceability or additional measures to ensure that own-initiative investigations are accurate, legally justified and do not lead to over-removal of content.***

Or. en

*Justification*

*To prevent over-removal of content.*

**Amendment 791**

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

**Proposal for a regulation**

**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 792**

**Alex Agius Saliba**

**Proposal for a regulation**

**Article 7 – title**

*Text proposed by the Commission*

*Amendment*

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

No general monitoring

Or. en

*Justification*

*the AM is needed for legal certainty with other parts of the text.*

**Amendment 793**

**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 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

No general obligation to monitor the information which providers of

No general obligation to monitor the information which providers of

intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.

intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers. ***This Regulation shall not prevent providers from offering end-to-end encrypted services. The provision of such services shall not constitute a reason for liability or for becoming ineligible for the exemptions from liability.***

Or. en

#### *Justification*

*Encryption is an important cybersecurity tool and any limitations on it or requirements to allow "backdoors" would endanger EU citizens and businesses*

#### **Amendment 794**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 7 – paragraph 1**

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

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

##### *Amendment*

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers. ***No provision of this Regulation shall be understood as mandating, requiring or recommending the use of automated decision-making, or the monitoring of the behaviour of a large number of natural persons.***

Or. en

#### **Amendment 795**

**Ivan Štefanec**

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

#### **Article 7 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers, ***unless the information society service plays an active role in approving, modifying or editing the information issued by the recipient of the service.***

Or. en

*Justification*

*Justification: While the no general monitoring obligation is an important aspect of the Digital Services Act, platforms which have the capacity to shape content provided by a recipient of the service before its publication should be required to pre-emptively ensure that approved content does not break any laws*

**Amendment 796**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

*(Does not affect the English version.)*

Or. fr

**Amendment 797**

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

**Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***No provision of this Regulation shall prevent providers of intermediary services from offering end-to-end encrypted services, or make the provision of such services a cause for liability or loss of immunity.***

Or. en

*Justification*

*Certain provisions could be interpreted as interfering with companies' freedom to conduct a business. Therefore, it should be explicitly spelled out that the DSA should not accidentally change the legal status of encryption. Any such change would be highly consequential, and should be the product of very clear, careful, and informed debate.*

#### **Amendment 798**

**Petra Kammerevert, Evelyne Gebhardt**

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

#### **Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 7a***

***Prohibition of interference with content and services offered by media service providers and press publishers***

- 1. Intermediary service providers shall not remove, disable access to or otherwise interfere with content and services made available by media service providers, who hold the editorial responsibility and comply with provisions consistent with EU and national law or by publishers of press publications within the meaning of Article 2(4) of Directive (EU) 2019/790. Publishers' and media service providers' accounts shall not be suspended on the grounds of legal content and services they offer.***
- 2. This Article shall not affect the possibility for an independent judicial or administrative authority of requiring the***

***media service provider to terminate or prevent an infringement of applicable Union or national law.***

Or. en

*Justification*

*Intermediaries should not assume editor-like roles as they currently sometimes do. Thus, a general prohibition of interference with content and services provided by media service providers and Publishers of press publications is needed, as secondary control of media content in compliance with sector-specific rules and national law and constitutions would pose great risks to media freedom and the availability of trustworthy information online. As such content and services should benefit from a special regime that presumes their legality, intermediary service providers likewise should not be held liable for it.*

**Amendment 799**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 8 – title**

*Text proposed by the Commission*

Orders to act against illegal content

*Amendment*

*(Does not affect the English version.)*

Or. fr

**Amendment 800**

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

**Proposal for a regulation**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

when the action was taken.

taken. *Under the condition that necessary safeguards are provided, such orders could, in particular, consist of catalogue-wide and dynamic injunctions by courts or administrative authorities requiring the termination or prevention of any infringement.*

Or. en

**Amendment 801**  
**Róza Thun und Hohenstein**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

*In relation to consumer protection matters, this provision shall apply to competent administrative authorities ordering online platforms to act against products or services unlawfully promoted or offered to consumers.*

Or. en

**Amendment 802**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 803**

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

**Proposal for a regulation**

**Article 8 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en



## Amendment 804

Maria Grapini

### Proposal for a regulation

#### Article 8 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 805

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Article 8 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 806

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

### Proposal for a regulation

#### Article 8 – paragraph 1

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

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

##### *Amendment*

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

Or. en

##### *Justification*

*Orders should be received directly from the authorities and not via any third parties, which would bring into doubt the validity of the order.*

## Amendment 807

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 8 – paragraph 1

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

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

##### *Amendment*

*(Does not affect the English version.)*

specifying the action taken and the moment when the action was taken.

Or. fr

#### **Amendment 808**

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

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

#### **Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Individuals shall have the right to report allegedly illegal content or to mandate a body, organisation or association referred to in Article 68 to report such content to the competent authorities in their country of residence, which shall expeditiously make a ruling. Where the content is deemed illegal under the national law of the country of residence of the individual, or manifestly illegal under Union law, this shall be reported to the platform for immediate enforcement on the territory of the Member State issuing the order and to the competent authorities for assessment under national law.***

Or. en

#### **Amendment 809**

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

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

#### **Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. If the provider cannot comply with the removal order because it contains manifest errors or does not contain sufficient information for its execution, it***

*shall, without undue delay, inform the authority that has issued the order.*

Or. en

*Justification*

*TCO: Providers should tell the issuer of the order if there are problems.*

**Amendment 810**

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

**Proposal for a regulation**

**Article 8 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Where the provider does not have its main establishment or legal representative in the Member State of the competent authority that has issued the order and the provider believes that the implementation of an order issued under paragraph 1 would infringe the Charter of Fundamental rights of the European Union, Union law, or the national law of the Member State in which the main establishment or legal representative of the provider is located, or does not meet the conditions of paragraph 2, the provider shall have the right to submit a reasoned request for a decision of the Digital Services Coordinator from the Member State of establishment.***

***The provider shall inform the authority issuing the order of this submission.***

Or. en

*Justification*

*Providers should be able to receive a decision from the DSC before implementing an order when in doubt to its legal merits. This is in line with the principles set down in the Terrorist Content Online agreement between the Council and the Parliament.*

## **Amendment 811**

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

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. Upon receiving such a submission, the Digital Services Coordinator shall in a timely manner scrutinise the order and inform the provider of its decision. Where the Digital Services Coordinator agrees with the reasoning of the provider, in whole or in part, the Digital Services Coordinator shall inform, without undue delay, the Digital Services Coordinator of the Member State of the judicial or administrative authority issuing the order of its objection. The Digital Services Coordinator may choose to intervene on behalf of the provider in any redress, appeal or other legal processes in relations to the order.***

Or. en

#### *Justification*

*TCO: the role of the DSC should be to consider the merits of an order in light of the arguments and to make a decision*

## **Amendment 812**

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

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***1d. Until an objection under paragraph 1, point (c) is withdrawn, any penalties, fines or other sanctions related to the non-implementation of an order issued by the relevant national judicial or administrative authorities shall be***

*suspended and the order shall cease to have legal effects.*

Or. en

*Justification*

*When an order is suspended, any sanctions connected should equal be suspended.*

**Amendment 813**

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

**Proposal for a regulation**

**Article 8 – paragraph 1 e (new)**

*Text proposed by the Commission*

*Amendment*

***1e. Paragraphs 1b and 1c shall not apply in the case of very large online platforms or where a content is manifestly illegal under Union law.***

Or. en

*Justification*

*VOLP have the resources to seek redress without intervention by the DSC. Moreover, manifestly illegal context is unlike to be legal within another Member State.*

**Amendment 814**

**Clara Ponsatí Obiols**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

*Amendment*

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

— a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed, ***and, where the order comes from administrative authorities, a statement confirming that the order does not interfere with fundamental rights or that such***

*interference is sought in accordance to the applicable law;*

Or. en

**Amendment 815**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Orders should not be based on national laws that are not in conformity with Union law.*

**Amendment 816**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 817**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

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

*Amendment*

*(Does not affect the English version.)*

Or. fr

**Amendment 818**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 1 a (new)**

*Text proposed by the Commission*

*— precise indication of the credentials of the relevant national judicial or administrative authority issuing the order and details of the person(s) of contact within the said authority;*

*Amendment*

Or. en

**Amendment 819**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 1 a (new)**

*Text proposed by the Commission*

*— the identification of the issuing authority and the means to verify the authentication of the order;*

*Amendment*

Or. en



*Justification*

*TCO: There must be a way for providers to ensure that they are receiving a legal order.*

**Amendment 820**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 2**

*Text proposed by the Commission*

— *one or more exact uniform resource locators* and, where necessary, additional information enabling the identification of the illegal content concerned;

*Amendment*

— *a clear indication of the exact electronic location of that information, such as the exact URL or URLs where appropriate* and, where necessary, additional information enabling the identification of the illegal content concerned;

Or. en

**Amendment 821**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 2**

*Text proposed by the Commission*

— *one or more exact uniform resource locators and*, where necessary, additional information enabling the identification of the illegal content concerned;

*Amendment*

— where necessary, additional information enabling the identification of the illegal content concerned;

Or. en

**Amendment 822**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 2**

*Text proposed by the Commission*

*Amendment*

— one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content concerned;

*(Does not affect the English version.)*

Or. fr

**Amendment 823**  
**Alex Agius Saliba**

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

*Text proposed by the Commission*

*Amendment*

— one or more **exact** uniform resource locators **and**, where necessary, additional information enabling the identification of the illegal content concerned;

— one or more uniform resource locators **or**, where necessary, additional information enabling the identification of the illegal content concerned;

Or. en

*Justification*

*the text needs to be more flexible because this information might not be always readily available.*

**Amendment 824**  
**Alex Agius Saliba**

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

*Text proposed by the Commission*

*Amendment*

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

— information about redress available to the provider of the service and to the recipient of the service who provided the content, ***which may be sought in the Member State of establishment of the provider of the service and/or in the Member State of establishment of the recipient of the service who provided the***

*content;*

Or. en

*Justification*

*redress may be sought in the Member State of the establishment of the providers of the service and / or in the Member State of establishment of the recipient of the service who provided the content.*

**Amendment 825**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 3**

*Text proposed by the Commission*

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

*Amendment*

— information about redress ***mechanisms*** available to the provider of the service and to the recipient of the service who provided the content, ***including deadlines for appeal;***

Or. en

**Amendment 826**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point a – indent 3 a (new)**

*Text proposed by the Commission*

— ***precise details concerning the identity or identification of the recipients specifically concerned by the order;***

Or. fr

**Amendment 827**

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

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;

*Amendment*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective ***and does not lead to the removal of content that is legal in another Member State;***

Or. en

**Amendment 828**

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

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;

*Amendment*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective ***and in any case does not exceed the territory of the Member State of the order;***

Or. en

*Justification*

*Member States should not seek to apply their decisions to other Member States, which may or may not have similar laws. Nothing, however, shall prevent a provider from removing content for other territories if they see fit.*

**Amendment 829**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;

*Amendment*

(b) the territorial scope of the order, on the basis of the applicable rules of Union and national ***law in conformity with Union*** law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;

Or. en

*Justification*

*technical AM to align the text with other AMs.*

**Amendment 830**

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

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 831**

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

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

*Text proposed by the Commission*

*Amendment*

***(ba) the territorial scope of an order addressed to a provider that has its main establishment in another Member State is limited to the territory of the Member State issuing the order;***

Or. en

**Amendment 832**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 833**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

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

*Member State issuing the order;*

Or. en

**Amendment 834**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 835**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10, ***or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the***

*provider.*

Or. en

**Amendment 836**

**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 8 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10, ***or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the provider.***

Or. en

**Amendment 837**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the order is sent to the point of contact, appointed by the provider, in accordance with Article 10.

Or. en



## Amendment 838

Ivan Štefanec

### Proposal for a regulation

#### Article 8 – paragraph 2 – point c

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

#### *Justification*

*The requirement to draft the order in the language declared by the provider may prove to be a significant burden for the removal of illegal offers of content. It should be possible as an alternative to draft the orders in English as this is the most widely spoken language in the Union*

## Amendment 839

Adam Bielan, Kosma Zlotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Article 8 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) the actor receiving the order has technical and operational ability to act against specific, notified illegal content and has direct control over it.***

Or. en

## Amendment 840

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

### Proposal for a regulation

#### Article 8 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) the order is issued only where no other effective means are available to bring about the cessation or the prohibition of the infringement**

Or. en

*Justification*

*Words from the CPC Regulation Article 9.4*

**Amendment 841**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) where more than one provider of intermediary services is responsible for hosting the specific item, the order is issued to the most appropriate provider that has the technical and operational ability to act against the specific item.**

Or. en

*Justification*

*Orders should be issued to the proper provider, at the level closest to the content.*

**Amendment 842**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall adopt delegated acts in accordance with Article**

**69, after consulting the Board, to lay down a specific template and form for such orders.**

Or. en

*Justification*

*Such orders must be standardised in order to allow processing quickly and easily. Moreover it must be harmonised between the Member States, which only the Commission can do.*

**Amendment 843**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Member States shall ensure that providers have a right to appeal and object to implementing the order and shall facilitate the use and access to that right.**

Or. en

*Justification*

*Legal right to appeal must be guaranteed, in addition to any information about redress.*

**Amendment 844**

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

**Proposal for a regulation**

**Article 8 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. When an order to act against a specific individual item of illegal content is issued by a relevant national judicial or administrative authority, Member States shall ensure that the relevant national judicial or administrative authority duly**

*informs the Digital Services Coordinator from the Member State of the judicial or administrative authority.*

Or. en

*Justification*

*procedural.*

**Amendment 845**

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

**Proposal for a regulation**

**Article 8 – paragraph 3**

*Text proposed by the Commission*

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

*Amendment*

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

*Where upon receiving the copy of the order, at least three Digital Services Coordinators consider that the order violates Union or national law, that is in conformity with the Union Law, including the Charter, they can object the enforcement of the order to the Board, based on a reasoned statement. Following recommendation of the Board, the Commission may decide whether the order shall be enforced.*

*Where the order to act against a specific item of illegal content under Union or national law has been issued by the national judicial or administrative authority of a Member State that is under an Article 7 procedure for infringement of European values according to Article 2 of TEU, any Digital Service Coordinator may object the order directly to the*

***Commission. The Commission shall assess the objection to the order as a matter of priority and decide whether the order should be enforced as swiftly as possible and no later than 48 hours upon receipt of the objection.***

Or. en

**Amendment 846**

**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 8 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Where upon receiving the copy of the order, at least three Digital Services Coordinators consider that the order violates Union or national law that is in conformity with Union law, including the Charter, they can object the enforcement of the order to the Board, based on a reasoned statement. Following recommendation of the Board, the Commission may decide whether the order is to be enforced.***

Or. en

**Amendment 847**

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

**Proposal for a regulation**

**Article 8 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Digital Services Coordinator of each Member State, on its own initiative and within 96 hours of receiving a copy of the order to act through the system developed in accordance with***

*paragraph 4a of this Article, shall have the right to scrutinise the order to determine whether it infringes the respective Member State's law and deem it invalid on its own territory by adopting a reasoned decision.*

Or. en

#### **Amendment 848**

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

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

#### **Article 8 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. Where the Digital Services Coordinator adopts a reasoned decision in accordance with paragraph 3a,**

**(a) the Digital Services Coordinator shall communicate that decision to the authority that issued that order and the concerned provider of the service, and,**

**(b) after receiving a decision finding that the content was not in fact illegal, the concerned provider shall immediately reinstate the content or access thereto in the territory of the Member State of the Digital Services Coordinator who issued the decision.**

Or. en

#### **Amendment 849**

**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 8 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The conditions and requirements

4. The conditions and requirements

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

laid down in this article shall be without prejudice to requirements under national criminal procedural law *and administrative law* in conformity with Union law, *including the Charter on Fundamental Rights. While acting in accordance with such laws, authorities shall not go beyond what is necessary in order to attain the objectives followed therein.*

Or. en

#### *Justification*

*Not all orders are based on criminal law. Moreover, actions should be limited to what is strictly necessary to attain their objectives*

#### **Amendment 850**

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

#### **Proposal for a regulation Article 8 – paragraph 4**

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

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

##### *Amendment*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law, *including the EU Charter on Fundamental Rights.*

Or. en

#### **Amendment 851**

**Marion Walsmann**

#### **Proposal for a regulation Article 8 – paragraph 4**

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

4. The conditions and requirements laid down in this article shall be without

##### *Amendment*

4. The conditions and requirements laid down in this article shall be without

prejudice to requirements under national criminal procedural law in conformity with Union law.

prejudice to *civil court decisions and* requirements under national criminal procedural law in conformity with Union law.

Or. en

**Amendment 852**  
**Clara Ponsatí Obiols**

**Proposal for a regulation**  
**Article 8 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 853**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

***4a. Providers of intermediary services may refuse to execute an order referred to in paragraph 1 if it contains manifest errors or does not contain sufficient information as referred to in paragraph 2. Providers shall inform the competent authority without undue delay, asking for the necessary clarification. It may submit an appeal to the Digital Services Coordinator of establishment where it feels that the territorial scope of the order is disproportionate.***

Or. en



**Amendment 854**

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

**Proposal for a regulation**

**Article 8 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The Commission shall adopt implementing acts, organising a European information exchange system, allowing for secure communication and authentication of authorised orders between relevant authorities, Digital Services Coordinators and providers, as referred to in Articles 8(1), 8a(1) and 9(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.**

Or. en

**Amendment 855**

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

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 8 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*Where illegal content violates the rights of a person, that person shall have effective access to*

*the judiciary to decide on the legality of the content and ensure redress. This shall include the right to apply for an interlocutory injunction. Orders shall be in accordance with Article 8, particularly concerning their territorial effect.*

**Amendment 856**

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

**Proposal for a regulation**

**Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 8a**

**Orders to restore lawful content**

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

**2. Member States shall ensure that the orders referred to in paragraph 1 meet the following conditions:**

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

**(i) a statement of reasons explaining why the content in question is legal, by reference to the specific provision of Union or national law or court ruling;**

**(ii) one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the legal content concerned;**

**(iii) information about redress available to the provider of the service who removed the content and to the recipient of the service who notified the**

*content;*

*(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective; and*

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

Or. en

**Amendment 857**

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

**Proposal for a regulation  
Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 8a**

**Injunction orders**

***Member States shall ensure that recipients of a service are entitled under their national law to seek an injunction order as an interim measure for removing manifestly illegal content.***

Or. en

*Justification*

*To ensure that victims of severe crimes are able to seek injunctions in line with national law.*

**Amendment 858**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 859**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

*authority that issued the order.*

Or. en

### **Amendment 860**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

### **Amendment 861**

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

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

*Text proposed by the Commission*

1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform

*Amendment*

1. Providers of intermediary services shall, upon receipt of an order *via a secure communications channel* to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national

without undue delay the authority of issuing the order of its receipt and the effect given to the order.

law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.

Or. en

#### **Amendment 862**

**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 9 – paragraph 1**

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

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

##### *Amendment*

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

Or. en

##### *Justification*

*Orders should be received directly from the authorities and not via any third parties, which would bring into doubt the validity of the order.*

#### **Amendment 863**

**Róza Thun und Hohenstein**

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

#### **Article 9 – paragraph 1**

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

1. Providers of intermediary services shall, upon receipt of an order to provide a

##### *Amendment*

1. Providers of intermediary services shall, upon receipt of an order to provide a

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

specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial authorities on the basis of the applicable Union or national law, in conformity with Union law, without undue delay, *inform* the authority of issuing the order of its receipt and *perform* the order.

Or. en

#### **Amendment 864**

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

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

#### **Article 9 – paragraph 1**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 865**

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

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

#### **Article 9 – paragraph 1 a (new)**

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

##### *Amendment*

*1a. If the provider cannot comply with the information order because it contains manifest errors or does not contain*

***sufficient information for its execution, it shall, without undue delay, inform the authority that issued the information order***

Or. en

*Justification*

*TCO: Providers should tell the issuer of the order if there are problems.*

**Amendment 866**

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

**Proposal for a regulation**

**Article 9 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Where the provider does not have its main establishment or legal representative in the Member State of the competent authority that issued the order and a provider believes that the implementation of an order issued under paragraph 1 would infringe the Charter, Union law, or the national law of the Member State in which the main establishment or legal representative of the provider is located, or does not meet the conditions of paragraph 2, the provider shall have the right to submit a reasoned request for a decision of the Digital Services Coordinator from the Member State of establishment.***

***The provider shall inform the authority issuing the order of this submission.***

Or. en

*Justification*

*Providers should be able to receive a decision from the DSC before implementing an order when in doubt to its legal merits. This is in line with the principles set down in the Terrorist Content Online agreement between the Council and the Parliament.*



**Amendment 867**

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

**Proposal for a regulation**

**Article 9 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. Upon receiving such a submission, the Digital Services Coordinator shall in a timely manner scrutinise the order and inform the provider of its decision. Where the Digital Services Coordinator agrees with the reasoning of the provider, in whole or in part, the Digital Services Coordinator shall inform of its objection, without undue delay, the Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order. The Digital Services Coordinator may choose to intervene on behalf of the provider in any redress, appeal or other legal processes in relations to the order.***

Or. en

*Justification*

*TCO: the role of the DSC should be to consider the merits of an order in light of the arguments and to make a decision*

**Amendment 868**

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

**Proposal for a regulation**

**Article 9 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***1d. Until an objection under paragraph 1, point (c) is withdrawn, any penalties, fines or other sanctions related to the non-implementation of an order issued by the relevant national judicial or administrative authorities shall be***

*suspended and the order shall cease to have legal effects.*

Or. en

*Justification*

*When an order is suspended, any sanctions connected should equal be suspended.*

**Amendment 869**

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

**Proposal for a regulation**

**Article 9 – paragraph 2 – point a – indent -1 (new)**

*Text proposed by the Commission*

*Amendment*

— *a clear indication of the exact electronic location, an account name or a unique identifier of the recipient on whom information is sought;*

Or. en

**Amendment 870**

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

**Proposal for a regulation**

**Article 9 – paragraph 2 – point a – indent -1 (new)**

*Text proposed by the Commission*

*Amendment*

— *the identification of the issuing authority and the means to verify the authentication of the order;*

Or. en

*Justification*

*TCO: There must be a way for providers to ensure that they are receiving a legal order.*

**Amendment 871**  
**Clara Ponsatí Obiols**

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

*Text proposed by the Commission*

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

*Amendment*

— a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences, ***and, where the order comes from administrative authorities, a statement confirming that the order does not interfere with fundamental rights or that such interference is sought in accordance to the applicable Union law;***

Or. en

**Amendment 872**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Karen Melchior**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 873**

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

**Proposal for a regulation**

**Article 9 – paragraph 2 – point a – indent 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 874**

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

**Proposal for a regulation**

**Article 9 – paragraph 2 – point a – indent 2**

*Text proposed by the Commission*

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

*Amendment*

— information about ***legal*** redress available to the provider and to the recipients of the service concerned ***including deadlines for appeal, and ensure that they can be exercised effectively;***

Or. en

**Amendment 875**

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

on behalf of the Greens/EFA Group

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

— *whether the provider may swiftly inform the recipient of the service concerned.*

Or. en

**Amendment 876**

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

**Proposal for a regulation**

**Article 9 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

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

(b) the order requires the provider to provide information *enabling the identification of recipients of* the service and which lies within its control;

Or. en

**Amendment 877**

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

**Proposal for a regulation**

**Article 9 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

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

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

*a transcription by that authority into the language declared by the provider.*

Or. en

#### **Amendment 878**

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

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

#### **Article 9 – paragraph 2 – point c**

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

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

##### *Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10, ***or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the provider;***

Or. en

#### **Amendment 879**

**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 9 – paragraph 2 – point c**

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

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

##### *Amendment*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10, ***or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the***

***competent authority to provide translation into the language declared by the provider;***

Or. en

*Justification*

*While this may slow response times, it would also prevent an administrative burden on Member States where not necessary.*

**Amendment 880**  
**Róza Thun und Hohenstein**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 881**  
**Andrea Caroppo, Salvatore De Meo, Carlo Fianza**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 882**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

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

*Text proposed by the Commission*

*Amendment*

**(ca) the order is issued only where no other effective means are available to receive the same specific item of information**

Or. en

*Justification*

*Rewords from the CPC Regulation Article 9, 4.*

**Amendment 883**

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

**Proposal for a regulation**  
**Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The provider of the service shall inform the recipient of the service whose data is being sought without undue delay.**

Or. en

**Amendment 884**

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

**Proposal for a regulation**  
**Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific template and form for such orders. It shall ensure that the form**



*meets the standards set down in the Annex of [XXX the regulation on European Production and Preservation Orders for electronic evidence in criminal matters].*

Or. en

*Justification*

*Such orders should be standardized to allow for quick and correct proceeding. As these are official acts, no industry standards can apply and individual national ones would not be harmonised.*

**Amendment 885**

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

**Proposal for a regulation**

**Article 9 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. When an order to provide a specific item of information about one or more specific individual recipients of the service is issued by a relevant national judicial or administrative authority, Member States shall ensure that the relevant national judicial or administrative authority duly informs the Digital Services Coordinator from the Member State of the judicial or administrative authority.***

Or. en

*Justification*

*Procedural. There is no request to inform the DSC in the text*

**Amendment 886**

**Marion Walsmann**

**Proposal for a regulation**

**Article 9 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 887**

**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 9 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Not all such orders are issued based on criminal law, but also administrative*

**Amendment 888**

**Clara Ponsatí Obiols**

**Proposal for a regulation**

**Article 9 – paragraph 4**

*Text proposed by the Commission*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national

*Amendment*

4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national

criminal procedural law in conformity with Union law.

criminal *and administrative* procedural law in conformity with Union law.

Or. en

#### **Amendment 889**

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

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

#### **Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 9a*

#### *Effective remedies for consumers*

- 1. Recipients of the service whose content was removed according to Article 8 or whose information was sought according to Article 9 shall have the right to effective remedies against such orders, without prejudice to remedies available under Directive (EU) 2016/680 and Regulation (EU) 2016/679.*
- 2. Such right to an effective remedy shall be exercised before a court in the issuing Member State in accordance with national law and shall include the possibility to challenge the legality of the measure, including its necessity and proportionality.*
- 3. Digital Services Coordinators shall publish a 'toolbox' of complaint and redress mechanisms applicable in their respective territory, in at least one of the official languages of the Member State where they operate.*

Or. en

#### **Amendment 890**

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

**Proposal for a regulation**  
**Article 9 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9b**

***Where the issuing authority is subject to a procedure under Article 7(1) or 7(2) of the Treaty on European Union, the provider of intermediary services shall act upon the order or transmit the requested data only after receiving the explicit written approval of the Digital Services Coordinator of establishment.***

Or. en

**Amendment 891**

**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**  
**Chapter III – title**

*Text proposed by the Commission*

*Amendment*

Due diligence obligations for a transparent and safe online environment

Due diligence Obligations for a transparent, ***accessible*** and safe online environment

Or. en

**Amendment 892**

**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Chapter III – title**

*Text proposed by the Commission*

*Amendment*

Due diligence obligations for a transparent and safe online environment

Due diligence obligations for a transparent, ***accessible*** and safe online environment

Or. en

### *Justification*

*Accessibility of digital platforms and services is a key prerequisite for millions of persons with disabilities to be able to engage via those services. It is as important and should be appreciated as such as online safety and transparency for users.*

#### **Amendment 893**

**Alex Agius Saliba, Christel Schaldemose**

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

##### **Chapter III – title**

*Text proposed by the Commission*

*Amendment*

Due diligence obligations for a transparent and safe online environment

Due diligence obligations for a transparent, ***accessible*** and safe online environment

Or. en

### *Justification*

*Accessibility of digital platforms and services is a key prerequisite for millions of persons with disabilities to be able to engage via those services. It is as important and should be appreciated as such as online safety and transparency for users. The title of this chapter should reflect that vitality.*

#### **Amendment 894**

**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 9 a (new)**

*Text proposed by the Commission*

*Amendment*

##### ***Article 9a***

##### ***Waiver***

***1. Providers of intermediary services may apply to the Commission for a waiver from the requirements of Chapter III, proved that they are:***

***(a) non-for-profit or equivalent and serve a manifestly positive role in the public interest;***

**(b) micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC; or**

**(c) a medium enterprises within the meaning of the Annex to Recommendation 2003/361/EC without any systemic risk related to illegal content.**

**The Providers shall present justified reasons for their request.**

**2. The Commission shall examination such an application and, after consulting the Board, may issue a waiver in whole or in parts to the requirements of this Chapter.**

**3. Upon the request of the Board or the provider, or on its own initiative, the Commission may review a waiver issued and revoke the waiver in whole or in parts.**

**4. The Commission shall maintain a list of all waivers issued and their conditions and shall publish this list to the public.**

*(This amendment should be placed between the Chapter Title and the Section title)*

Or. en

#### *Justification*

*The burdens of this regulation must be weighed against the benefits that are achieved with those obligations. In a selected number of cases, the burden would outweigh the benefit and therefore the Commission should have the power to address this issue in order to remove burdens where merited. Without such a power, providers which were not the target or object of this legislation maybe find themselves unable to meet their obligations while maintaining their other functions which would have a negative effect on the European market and its citizens. This amendment is therefore need to order to ensure the proportionality of the obligations to their intended goals.*

#### **Amendment 895**

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

#### **Proposal for a regulation** **Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

***Exclusion for micro enterprises and not-for-profit services***

***This Chapter shall not apply to online platforms that qualify as micro enterprises within the meaning of the Annex to Recommendation 2003/361/EC or as a not-for-profit service with fewer than 100,000 monthly active users.***

Or. en

**Amendment 896**

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

**Proposal for a regulation**

**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

***Conflict between Union Acts***

***1. Where any obligation set down in this Regulation can be viewed as equivalent with or superseded by an obligation within another Union act, in which a provider of intermediary services is also a subject, a provider of intermediary services may apply to the Commission for a waiver from such requirements or a declaration that it should be deemed as having complied with this Regulation, in whole or in parts. The provider shall present justified reasons for their request.***

***2. The Commission shall examine such an application and, after consulting the Board, may issue a waiver or declaration in whole or in parts to the requirements of this Regulation.***

***3. Upon the request of the Board or***

*on its own initiative, the Commission may review a waiver or declaration issued and revoke the waiver or declaration in whole or in parts.*

*4. The Commission shall maintain a list of all waiver and declaration issued and their conditions and shall publish this list to the public.*

Or. en

#### *Justification*

*As the number of different legislative acts, especial *lex specialis*, will potentially have conflicts with this act, the Commission should have the power to address these conflicts in order to remove potential double or conflicting burdens. Without such a power, it would be left to the courts to undertake the same actions.*

#### **Amendment 897**

**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**

##### **Article 10 – title**

*Text proposed by the Commission*

*Amendment*

Points of contact

Points of contact *for authorities, the Commission and the Board*

Or. en

#### **Amendment 898**

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

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

##### **Article 10 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

1. Providers of intermediary services *which do not have an establishment in the Union but which offer services in the Union shall designate, for those already existing as soon as possible, for those to*



*Board referred to in Article 47 for the application of this Regulation.*

*be established prior to the establishment, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.*

Or. en

**Amendment 899**

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

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 900**

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

**Proposal for a regulation**  
**Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Providers of intermediary services shall ensure that recipients of the service, including affected non-users, can communicate with them in a direct, accessible and timely manner and, as necessary, request non-automated responses.**

*Justification**In line with ECD Article 5.***Amendment 901****Adam Bielan, Kosma Zlotowski, Beata Mazurek****Proposal for a regulation  
Article 10 – paragraph 2***Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 902****Karen Melchior****Proposal for a regulation  
Article 10 – paragraph 2***Text proposed by the Commission*

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

*Amendment*

2. Providers of intermediary services shall make public ***available and easy accessible*** the information necessary to easily identify and communicate with their single points of contact. ***This must include at least a telephone number, an e-mail address and a postal address of the point of contact. The provider may also include electronic contact forms.***

**Amendment 903**

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

**Proposal for a regulation  
Article 10 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. Providers of intermediary services shall **communicate to their Digital Service Coordinator of establishment, the Commission and the Board** the information necessary to easily identify and communicate with their single points of contact.

**Amendment 904**

**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 10 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. Providers of intermediary services shall make public, **in a clear and user-friendly manner**, the information necessary to easily identify and communicate with their single points of contact.

**Amendment 905**

**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 10 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Providers of intermediary services may establish the same single point of contact for this Regulation and another single point of contact as required under other Union law. When doing so, the provider shall inform the Commission of this decision.**

Or. en

*Justification*

*Clarification in the operational part of the regulation*

**Amendment 906**  
**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 10a**

**Accessibility requirements for intermediary services**

**1. Providers of intermediary services which offer services in the Union shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.**

**2. Providers of intermediary services shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in written and oral format, including in a manner**

*which is accessible to persons with disabilities. Intermediary service providers shall keep that information for as long as the service is in operation.*

*3. Providers of intermediary services shall ensure that information, forms and measures provided pursuant to Articles 10 new (9), 12(1), 13(1), 14(1) and (5), 15(3) and (4), 17(1), (2) and(4), 23(2), 24, 29(1) and (2), 30(1), and 33(1) are made available in a manner that they are easy to find, accessible to persons with disabilities, and do not exceed a level of complexity superior to level B1(intermediate) of the Council of Europe's Common European Framework of Reference for Languages.*

*4. Providers of intermediary services which offer services in the Union shall ensure that procedures are in place so that the provision of services remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the provision of the service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements shall be adequately taken into account by the provider of intermediary services.*

*5. In the case of non-conformity, providers of intermediary services shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements. Furthermore, where the service is not compliant with applicable accessibility requirements, the provider of the intermediary service shall immediately inform the Digital Services Coordinator of establishment or other competent national authority of the Member States in which the service is established, to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.*

**6. Provider of intermediary services shall, further to a reasoned request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.**

**7. Intermediary services which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation insofar as those standards or parts thereof cover those requirements.**

**8. Intermediary services which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation insofar as those technical specifications or parts thereof cover those requirements.**

**9. All intermediary services shall, at least once a year, report to their respective Digital Service Coordinators or other competent authorities on their progress in implementing the obligation to ensure accessibility for persons with disabilities as required by this Regulation. In addition to Article 44 (2), Digital Services Coordinators shall include measures taken pursuant to this article.**

Or. en

#### *Justification*

*The article is consistent with similar requirements for services under the European Accessibility Act. Only through ensuring accessibility for all users, EU can ensure that people with disabilities have equal access to digital platforms and services. This includes ensuring equal playing field for organisations and business users run by and employing persons with disabilities, as well as private entrepreneurs with disabilities offering services via digital*

*platform and services. As adequate monitoring is vital for effective implementation, reporting on accessibility should also be ensured (points 9 and 10).*

**Amendment 907**

**Alex Agius Saliba, Christel Schaldemose**

**Proposal for a regulation**

**Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 10a**

***Accessibility requirements for intermediary services***

- 1. Providers of intermediary services shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.***
- 2. Providers of intermediary services shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in written and oral format, including in a manner which is accessible to persons with disabilities. Intermediary service providers shall keep that information for as long as the service is in operation.***
- 3. Providers of intermediary services shall ensure that information, forms and measures provided pursuant to Articles 10 new (9), 12(1), 13(1), 14(1) and (5), 15(3) and (4), 17(1), (2) and (4), 23(2), 24, 29(1) and (2), 30(1), and 33(1) are made available in a manner that they are easy to find, accessible to persons with disabilities, and do not exceed a level of complexity superior to level B1 (intermediate) of the Council of Europe's Common European Framework of Reference for Languages.***

***4. Providers of intermediary services which offer services in the Union shall ensure that procedures are in place so that the provision of services remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the provision of the service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements shall be adequately taken into account by the provider of intermediary services.***

***5. In the case of non-conformity, providers of intermediary services shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements. Furthermore, where the service is not compliant with applicable accessibility requirements, the provider of the intermediary service shall immediately inform the Digital Services Coordinator of establishment or other competent national authority of the Member States in which the service is established, to that effect, giving details, in particular, of the non-compliance and of any corrective measures taken.***

***6. Provider of intermediary services shall, further to a reasoned request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.***

***7. Intermediary services which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation insofar as***



*those standards or parts thereof cover those requirements.*

**8. *Intermediary services which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation insofar as those technical specifications or parts thereof cover those requirements.***

**9. *All intermediary services shall, at least once a year, report to Digital Service Coordinators or other competent authorities on their obligation to ensure accessibility for persons with disabilities as required by this Regulation. In addition to Article 44 (2), Digital Services Coordinators shall include measures taken pursuant to Article 10 new.***

Or. en

#### *Justification*

*The AM is consistent with similar requirements for services under the European Accessibility Act. Only through ensuring accessibility for all users, EU can ensure that more than 100 persons with disabilities have equal access to digital platforms and services. This includes ensuring equal playing field for organisations and business users run by and employing persons with disabilities, as well as private entrepreneurs with disabilities offering services via digital platform and services. As adequate monitoring is vital for effective implementation, reporting on accessibility should also be ensured (points 9 and 10).*

#### **Amendment 908**

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

#### **Proposal for a regulation Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 10a**

***Point of contact for recipients of a service***

**1. *Providers of intermediary services***

*shall establish a single point of contact allowing for direct communication, by electronic means, with the recipients of their services. The means of communication shall be user-friendly and easily accessible.*

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

Or. en

**Amendment 909**  
**Alex Agius Saliba**

**Proposal for a regulation**  
**Article 10 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 10b*

*Points of contact for consumers*

*1. Providers of intermediary services shall enable consumers to easily, directly and effectively communicate with them by providing their telephone numbers, email addresses and the geographical address of the establishments of the providers of intermediary services within the Union. In addition, providers of intermediary services may offer other direct and efficient means of communication that guarantee that the consumer can keep any written correspondence, including the date and time of such correspondence, with the provider of intermediary services on a durable medium, including electronic contact forms and instant messaging. Where applicable, the provider of intermediary services shall also provide the geographical address and identity of the trader on whose behalf he is acting.*

*2. The means of communication*

*referred to in paragraph 1 shall be quickly and easily accessible to recipients of services in a clear user-friendly, easily identifiable and where possible, uniform manner. Providers of intermediary services shall enable consumers to easily choose equally accessible means of rapid, direct and efficient communication which do not involve automated tools.*

*3. Providers of intermediary services shall allocate the necessary human and financial resources to ensure that the communication and responses referred to in paragraph 1 are performed in a quick and efficient manner.*

Or. en

#### *Justification*

*This article is inspired by Article 6.1 c) of the Consumer Rights Directive and seeks to improve the article 10a proposed by the rapporteur.*

#### **Amendment 910**

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

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

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

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

##### *Amendment*

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

Or. en

**Amendment 911**  
**Ramona Strugariu, Karen Melchior**

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

*Text proposed by the Commission*

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

*Amendment*

1. Providers of intermediary services shall designate, in writing, a legal or natural person as their legal representative in ***each Member State*** where the provider offers its services.

Or. en

**Amendment 912**  
**Karen Melchior, Ramona Strugariu**

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

*Text proposed by the Commission*

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

*Amendment*

1. Providers of intermediary services shall designate, in writing, a legal or natural person as their legal representative in ***each Member State*** where the provider offers its services.

Or. en

**Amendment 913**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior**

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

*Text proposed by the Commission*

1. Providers of intermediary services

*Amendment*

1. Providers of intermediary services

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

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

Or. en

*Justification*

*This is in fact a choice. If they choose not to have a legal representative, they become subject to all Member States' DSCs per Article 40(3)*

**Amendment 914**

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

**Proposal for a regulation**

**Article 11 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Where a provider of intermediary services chooses not to designate a legal representative, Article 40(3) shall apply.***

Or. en

*Justification*

*If a provider chooses not to name a legal representative, they are choosing to be subject to the governance of all Member States, in line with the principles of article 40(3)*

**Amendment 915**

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

**Proposal for a regulation**

**Article 11 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities,

2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities,

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

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

Or. en

#### **Amendment 916**

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

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

#### **Article 11 – paragraph 4**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 917**

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

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

#### **Article 11 – paragraph 4**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*technical amendment*

**Amendment 918**

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

**Proposal for a regulation**

**Article 11 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Providers of intermediary services that would qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC if established in the Union, and who have been unsuccessful in designating a legal representative after reasonable efforts, shall be able to request that the Digital Service Coordinator of the Member State where the enterprise intends to establish a legal representative facilitates further cooperation and recommends possible solutions, including the possibility for collective representation.***

Or. en

**Amendment 919**

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

**Proposal for a regulation**

**Article 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 920**

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

**Proposal for a regulation**

**Article 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Providers of online social networking services designated as very large online platform according to Article 25 shall designate a legal representative to be bound to obligations laid down in this Article at the request of the Digital Services Coordinator of the Member States where this provider offers its services.**

Or. en

**Amendment 921**

**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 11 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC other than those which are either a very larger online platform or a marketplace.**

Or. en

*Justification*

*There is no need to require such representatives for all providers, especially those that are not VOLP or Marketplaces. Such a measure will likely just lead to geoblocking of access by Europeans to foreign providers of softwares such as apps or whole websites.*

**Amendment 922  
Evžen Tošenovský**

**Proposal for a regulation  
Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 11a**

**Articles 12 and 13 of Section 1, and the provisions of Section 2, and Section 3 of Chapter III shall not apply to:**

**(a) online platforms that qualify as micro and medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC;**

**(b) an intermediary service, except very large online platforms, where it would constitute a disproportionate burden in view of its size, the nature of its activity and the risk posed to users.**

Or. en

## Amendment 923

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 12 – paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. ***The use of algorithmic decision-making processes shall be notified to users whenever they are applied. The users shall be able, where appropriate, to switch easily from interaction with the algorithmic system to human interaction. The information*** shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

***Providers of intermediary services shall list the restrictions in relation to the use of their service for the dissemination of content deemed illegal under Union or Member State law in a clear and user-friendly manner, and differentiate the list from the general conditions for the use of their service so as to make the user aware of what is deemed illegal under the law and what is subject to the terms and conditions for the use of the service.***

Or. en

**Amendment 924**  
**Martin Schirdewan, Anne-Sophie Pelletier**

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

*Text proposed by the Commission*

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

*Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format. ***A summary of the terms and conditions, setting out the most important points in concise, clear and unambiguous language shall also be publicly available. The provider of the intermediary services shall ensure the possibility for a recipient of a service to unsubscribe from intermediary services, whereas the subscription is easily facilitated. In practice, both processes shall be equally demanding for any recipient of a service.***

Or. en

**Amendment 925**  
**Arba Kokalari, Andrey Kovatchev, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Maria da Graça Carvalho, Róza Thun und Hohenstein, Tomislav Sokol, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Marion Walsmann, Andrea Caroppo, Barbara Thaler**

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

*Text proposed by the Commission*

1. Providers of intermediary services

*Amendment*

1. Providers of intermediary services

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

shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including **information about** algorithmic decision-making and human review. **Providers of intermediary services shall also include information on the right to terminate the use of the service. The possibility to terminate must be easily accessible for the user. Information on remedies and redress mechanisms shall also be included in the terms and conditions. The terms and conditions** shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

Or. en

**Amendment 926**  
**Clara Ponsatí Obiols**

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

*Text proposed by the Commission*

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

*Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. **Such restrictions must respect the fundamental rights of the recipients, in particular the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively.** That information shall include information on any policies, procedures,

measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

Or. en

#### **Amendment 927**

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

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

#### **Article 12 – paragraph 1**

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

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

##### *Amendment*

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

Or. en

##### *Justification*

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

#### **Amendment 928**

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

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

*Text proposed by the Commission*

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

*Amendment*

1. Providers of intermediary services shall ***use fair, non-discriminatory and transparent contract*** terms and conditions ***that*** shall be ***drafted*** in clear and unambiguous language and ***are*** publicly available in an easily accessible format ***in a searchable archive of all the previous versions with their date of application.***

Or. en

**Amendment 929**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

*in the languages in which the service is offered.*

Or. en

### **Amendment 930**

**Jean-Lin Lacapelle, Virginie Joron**

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

#### **Article 12 – paragraph 1**

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

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

##### *Amendment*

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

Or. fr

### **Amendment 931**

**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 12 – paragraph 1**

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

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of

##### *Amendment*

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of

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

information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used **by the provider of the intermediary service** for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible, **machine-readable** format.

Or. en

### *Justification*

*technical and standard text on machine-readable for other European digital legislation*

## **Amendment 932 Kosma Zlotowski**

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

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. en



## Amendment 933

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

### Proposal for a regulation

#### Article 12 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

1. Providers of intermediary services shall **ensure that their terms and conditions prevent the recipients of their services from providing** information **that is not compliant with Union law or the law of the Member State where the information is provided. Any additional** restrictions that **providers of intermediary services may** impose in relation to the use of their service **and the** information provided by the recipients of the service shall be **in full compliance with the fundamental rights of the recipients of the services as enshrined in the EU Charter on Fundamental Rights.**

Or. en

## Amendment 934

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Article 12 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

an easily accessible format.

publicly available in an easily accessible format.

Or. en

#### **Amendment 935**

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

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

#### **Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

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

***Providers of intermediary services shall provide recipients of services with a concise and easily readable summary of the terms and conditions, including information on the available remedies and the possibilities for opt-out, where relevant.***

Or. en

#### **Amendment 936**

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

**Proposal for a regulation**  
**Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Providers of intermediary services shall publish summary versions of their terms and conditions in clear, user-friendly and unambiguous language, and in an easily accessible and machine-readable format. Such a summary shall include information on remedies and redress mechanisms pursuant to Articles 17 and 18, where available.**

Or. en

**Amendment 937**

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

**Proposal for a regulation**  
**Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Providers of intermediary services shall ensure their terms and conditions are age-appropriate and meet the highest European or International standards, pursuant to Article 34.**

Or. en

**Amendment 938**

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

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

*Text proposed by the Commission*

*Amendment*

2. Providers of intermediary services shall act in a diligent, **objective** and

2. Providers of intermediary services shall act in a **coherent, predictable, non-**

proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, **with due regard to** the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.

**discriminatory, transparent,** diligent, **non-arbitrary** and proportionate manner in applying and enforcing the restrictions **and modifications** referred to in paragraph 1, **in compliance with procedural safeguards and in full respect of** the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter **and relevant national law**.

Or. en

### *Justification*

*Companies should apply their ToS so that all recipients of the service are treated in an equal manner, they should apply them in coherently (see Trump ban from social media networks that should have been implemented already years ago due to violations of ToS). The term “non-arbitrary” is better framed in law and jurisprudence and more clearly defines what the provider is expected to do. Adding a reference to “national law” since the Charter rights need qualification in EU or domestic law, it's not applicable, otherwise it is. In Bauer (<https://curia.europa.eu/juris/document/document.jsf?text=&docid=207330&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=1247802>, para.87) the Court suggested that individuals may, where appropriate, be directly required to comply with certain provisions of the Charter*

### **Amendment 939**

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

### **Proposal for a regulation**

#### **Article 12 – paragraph 2**

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

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

##### *Amendment*

2. Providers of intermediary services shall act in a diligent, objective and **non-arbitrary** manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter **and, where applicable, any community or other standards created by recipients of the service**.

Or. en

## Justification

*As cited in the matching recital, the key to prevent arbitrary decisions. Moreover, if community standards exist, they should be taken into account.*

### Amendment 940

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

#### Proposal for a regulation

##### Article 12 – paragraph 2

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

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

###### *Amendment*

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

Or. en

### Amendment 941

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

#### Proposal for a regulation

##### Article 12 – paragraph 2

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

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

###### *Amendment*

2. Providers of intermediary services shall ***apply and enforce*** the restrictions referred to in paragraph 2 ***in a diligent, objective, timely, proportionate and non-discriminatory manner***, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the ***national and Union law, including the EU Charter on***

**Amendment 942**  
**Karen Melchior, Anna Júlia Donáth**

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

*Text proposed by the Commission*

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

*Amendment*

2. Providers of intermediary services shall act in a diligent, objective, **timely**, and proportionate **and non-discriminatory** manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved. **The** fundamental rights of the recipients of the service as enshrined in the Charter **shall be applied in particular when limitations imposed.**

**Amendment 943**  
**Geert Bourgeois**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 944**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 12 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 945**

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

**Proposal for a regulation**

**Article 12 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 946**  
**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 947**  
**Leszek Miller**

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

*Text proposed by the Commission*

*Amendment*

***2a. Where very large online platforms within the meaning of Article 25 of this Regulation otherwise allow for the dissemination to the public of press publications within the meaning of Article 2(4) of Directive (EU) 2019/790, such platforms shall not remove, disable access to, suspend or otherwise interfere with such content or the related service or suspend or terminate the related account on the basis of the alleged incompatibility of such content with its terms and conditions.***

Or. en

**Amendment 948**  
**Evžen Tošenovský**



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

*Text proposed by the Commission*

*Amendment*

**2a. Where very large online platforms within the meaning of Article 25 of this Regulation otherwise allow for the dissemination to the public of press publications within the meaning of Article 2(4) of Directive (EU) 2019/790, such platforms shall not remove, disable access to, suspend or otherwise interfere with such content or the related service or suspend or terminate the related account on the basis of the alleged incompatibility of such content with its terms and conditions.**

Or. en

**Amendment 949**

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

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

*Text proposed by the Commission*

*Amendment*

**2a. Providers of intermediary services shall, when complying with the requirements of this Article, not be required to disclose algorithms or any information that, with reasonable certainty, would result in the enabling of deception of consumers or consumer harm through the manipulation of their services. This Article shall be without prejudice to Directive (EU) 2016/943.**

Or. en

*Justification*

*Too many information can lead to the gaming of a system to a negative effect on consumers and other users. Care must be taken to prevent this.*

**Amendment 950**

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

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Obligations pursuant to paragraph 1 and 2 should not oblige a provider of an intermediary service to disclose information that will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets or intellectual property rights.***

Or. en

**Amendment 951**

**Petra Kammerevert**

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Terms and conditions, or specific provisions thereof, community standards or any other internal guidelines or tools implemented by an intermediary service provider shall not be applied contrary to Article 7a.***

Or. en

**Amendment 952**

**Geert Bourgeois**

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Paragraphs 1 and 2 shall apply without prejudice to the universal service obligation that very large social online platforms have under Article 33a.**

Or. nl

**Amendment 953**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The online conditions of online service providers may not require more than what is required by the regulations of the country in which the service is provided.**

Or. fr

**Amendment 954**

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

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Providers designated as very large online platforms as referred to in Article 25, shall publish their terms and conditions in all official languages of the Union.**

Or. en

**Amendment 955**

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

on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

**2a. Any restriction referred to in paragraph 1 must respect the fundamental rights enshrined in the Charter and relevant national law.**

Or. en

**Amendment 956**

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

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

*Text proposed by the Commission*

*Amendment*

**2b. Intermediary service providers shall notify media service providers pursuant to article 7a beforehand of any proposed changes to their general terms and conditions and to their parameters or algorithms that might affect the organisation, presentation and display of content and services.**

**The proposed changes shall not be implemented before the expiry of a notice period that is reasonable and proportionate to the nature and extent of the proposed changes and their impact on media service providers and their contents and services.**

**That period shall begin on the date on which the online intermediary service provider notifies the media service providers of the proposed changes. The provision of new content and services on the intermediary services before the expiry of the notice period by a media service provider shall not be considered as a conclusive or affirmative action, given that such content is of particular**

*importance for the exercise of  
fundamental rights, in particular the  
freedom of expression and information.*

Or. en

*Justification*

*Unilateral changes to intermediary services' terms and conditions have a potentially detrimental impact on media content's availability and visibility. For this reason, the author proposes a notification obligation for proposed changes to terms and conditions, inspired by the P2B Regulation.*

**Amendment 957**

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

**Proposal for a regulation**

**Article 12 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Individuals who are enforcing restrictions on the basis of terms and conditions of providers of intermediary services shall be given adequate initial and ongoing training on the applicable laws and international human rights standards, as well as on the action to be taken in case of conflict with the terms and conditions. Such individuals shall be provided with appropriate working conditions, including professional support, qualified psychological assistance and qualified legal advice, where relevant.***

Or. en

**Amendment 958**

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

**Proposal for a regulation**

**Article 12 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. The Digital Services Coordinator of each Member State has the right to request very large online platforms to apply measures and tools of content moderation, including algorithmic decision-making and human review reflecting Member State's socio-cultural context. The framework for this cooperation as well as specific measures related thereto may be laid down in national legislation and shall be notified to the Commission.**

Or. en

**Amendment 959**

**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 12 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Providers of intermediary services shall refrain from any dark patterns or other techniques to encourage the acceptance of terms and conditions, including giving consent to sharing personal and non-personal data.**

Or. en

*Justification*

*Providers should not prevent the fair choice of individuals by using techniques such as dark patterns.*

**Amendment 960**

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

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

*Text proposed by the Commission*

*Amendment*

**2c. Providers of intermediary services shall notify the recipients of the service of any change to the contract terms and conditions that can affect their rights and provide a user-friendly explanation thereof. The changes shall not be implemented before the expiry of a notice period which is reasonable and proportionate to the nature and extent of the envisaged changes and to their consequences for the recipients of the service. That notice period shall be at least 15 days from the date on which the provider of intermediary services notifies the recipients about the changes. Failure to consent to such changes should not lead to basic services becoming unavailable.**

Or. en

*Justification*

*This is in line with IMCO INL (P9\_TA(2020)0272) and with Council of Europe Recommendation 2018/2 on the role and responsibilities of internet intermediaries.*

**Amendment 961**  
**Adam Bielan, Kosma Złotowski, Beata Mazurek**

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

*Text proposed by the Commission*

*Amendment*

**2c. The Digital Services Coordinator of each Member State, by means of national legislation, may request a very large online platform to cooperate with the Digital Services Coordinator of the Member State in question in handling cases involving the removal of lawful content online that is taken down erroneously if there is reason to believe**

*that the Member State's socio-cultural context may have played a vital role.*

Or. en

**Amendment 962**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 12 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 963**

**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 12 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. Providers of intermediary services shall not require recipients of the service other than traders to make their legal identity public in order to use the service.**

Or. en

*Justification*

*public anonymity is a vital part of the internet and must be protected. At the same time, nothing should prevent providers requiring users to register to use their services.*



**Amendment 964**

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

**Proposal for a regulation**

**Article 12 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d. For providers other than very large online platforms, nothing in this Regulation shall prevent a provider of intermediary services provider concerned from terminating the contractual relationship with its recipients without clause, in the situations provided for in the terms and conditions. Providers of a very large online platform shall issue a statement for the termination to the recipient, and the recipient shall have access to the internal complaint mechanism under Article 17 and the out-of-court mechanism under Article 18.**

Or. en

*Justification*

*Freedom of Contract a fundamental right of the Union including within the rights of the Charter and must be respected as far as possible.*

**Amendment 965**

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

**Proposal for a regulation**

**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 12a**

**Traceability of business customers**

**1. A provider of intermediary services shall ensure that business customers can only use its services to promote messages on or to offer products or services to**

*consumers located in the Union if, prior to the use of its services, the provider of intermediary services has obtained the following information:*

*(a) the name, address, telephone number and electronic mail address of the business customer;*

*(b) a copy of the identification document of the business customer or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council;*

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

*(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council or any relevant act of Union law;*

*(e) where the business customer is registered in a corporate or trade register or similar public register, the register in which the business customer is registered and its registration number or equivalent means of identification in that register;*

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

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

*3. The provider of intermediary*

*services shall also verify that any person purporting to act on behalf of the business customer is so authorised and verify the identity of that person.*

*4. Where the provider of intermediary services obtains indications, including through a notification by law enforcement agencies or other individuals with a legitimate interest, that any item of information referred to in paragraph 1 obtained from the business customer concerned is inaccurate, misleading, incomplete, or otherwise invalid, that provider of an intermediary service shall request the business customer to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law. Where the business customer fails to correct or complete that information, the provider of intermediary services shall suspend the provision of its service to the business customer until the request is complied with.*

*5. The provider of intermediary services shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for a period of five years following the termination of their contractual relationship with the business customer concerned. They shall subsequently delete the information.*

*6. Providers of intermediary services shall apply the identification and verification measures not only to new business customers but they shall also update the information they hold on existing business customers on a risk-sensitive basis, and at least once a year, or when the relevant circumstances of a business customer change.*

*7. Without prejudice to paragraph 2, the provider of intermediary services shall disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders*

*issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation, as well as pursuant to proceedings initiated under other relevant provisions of Union or national law.*

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

*9. The provider of intermediary services shall design and organise its online interface in a way that enables business customers to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.*

*10. The Digital Services Coordinator of establishment shall determine dissuasive financial penalties for non-compliance with any provision of this Article.*

Or. en

#### **Amendment 966**

**Liesje Schreinemacher, Bart Groothuis, Hilde Vautmans, Marco Zullo, Karen Melchior, Morten Løkkegaard, Sandro Gozi**

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

*Text proposed by the Commission*

*Amendment*

#### *Article 12a*

#### ***General Risk Assessment and Mitigation Measures***

*1. Providers of intermediary services shall identify, analyse and assess, at least once and at each significant revision of a service thereafter, the potential misuse or other risks stemming from the functioning and use made of their services in the Union. Such a general risk assessment*

*shall be specific to their services and shall include at least risks related to the dissemination of illegal content through their services and any contents that might have a negative effect on potential recipients of the service, especially minors and gender equality.*

*2. Providers of intermediary services which identify potential risks shall, wherever possible, attempt to put in place reasonable, proportionate and effective mitigation measures in line with their terms and conditions.*

*3. Where the identified risk relates to minors, without regard to if the child is acting with respect to the terms and conditions, mitigation measures shall include, taking into account the industry standards referred to in Article 34, where needed and applicable:*

*(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions to ensure those prioritise the best interests of the child;*

*(b) adapting or removing system design features that expose or promote to children to content, contact, conduct and contract risks;*

*(c) ensuring the highest levels of privacy, safety, and security by design and default for children including any profiling or use of data for commercial purposes;*

*(d) if a service is targeted at children, provide child-friendly mechanisms for remedy and redress, including easy access to expert advice and support.*

*4. Providers of intermediary services shall, upon request, explain to the Digital Services Coordinator of the Member State of establishment, how it undertook this risk assessment and what voluntary mitigation measures it undertook.*

**Amendment 967**

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

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

*Text proposed by the Commission*

*Amendment*

**Article 12a**

**General Risk Assessment and Mitigation Measures**

- 1. Providers of intermediary services shall identify, analyse and assess, at least once and at each significant revision of a service thereafter, the potential misuse or other risks stemming from the functioning and use made of their services in the Union. Such a general risk assessment shall be specific to their services and shall include at least risks related to the dissemination of illegal content through their services and any contents that might have a negative effect on potential recipients of the service, especially minors.**
- 2. Providers of intermediary services which identify potential risks shall, wherever possible, attempt to put in place reasonable, proportionate and effective mitigation measures in line with their terms and conditions.**
- 3. Where the identified risk relations to minor recipients of the service, without regard to if the minor is acting with respect to the terms and conditions, mitigation measures shall include, where needed and applicable:
  - (a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions to ensure those****

- prioritise the best interests of the minor;*
- (b) adapting or removing system design features that expose or promote to minors to content, contact, conduct and contract risks;*
- (c) ensuring the highest levels of privacy, safety, and security by design and default for users under the age of 16, including any profiling or use of data for commercial purposes;*
- (d) if a service is targeted at minors, provide child-friendly mechanisms for remedy and redress, including easy access to expert advice and support.*
- 4. Providers of intermediary services shall, upon request, explain to the Digital Services Coordinator of the Member State of establishment, how they undertook this risk assessment and what voluntary mitigation measures they undertook.*

Or. en

#### *Justification*

*Every provider should do their own internal risk assessment and maybe take additional voluntary measures to counter them. This should especially focus on minors.*

#### **Amendment 968**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Dragoş Pîslaru, Alex Agius Saliba, Eva Kaili, Ioan-Rareş Bogdan, Josianne Cutajar**

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

*Text proposed by the Commission*

*Amendment*

#### *Article 12a*

##### *Child impact assessment*

- 1. All providers must assess whether their services are accessed by, likely to be accessed by or impact on children. Providers of services likely to be accessed by or impact on children shall identify, analyse and assess, during the design and*

*development of new services, on an ongoing basis and at least once a year thereafter, any systemic risks stemming from the functioning and use made of their services in the Union by children. These risk impact assessments shall be specific to their services, meet the highest European or International standards detailed in Article 34, and shall consider all known content, contact, conduct or commercial risks included in the contract. Assessments should also include the following systemic risks:*

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

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

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

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

Or. en



**Amendment 969**  
**Karen Melchior**

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

*Text proposed by the Commission*

*Amendment*

**Article 12a**

**Protection of minors**

**1. If a service is primarily aimed at minors, the providers of intermediary services shall explain conditions and restrictions for the use of the service in an age appropriate way and in a way that is applicable with rules for children's consent in accordance with Article 8 of GDPR.**

**2. The design and interface of services aimed at and highly used by minors must take into account that children do not have the same well-developed cognitive abilities as adults which makes them more vulnerable to manipulation. Therefore the services shall design their services in a way that children against manipulation and 'dark patterns'**

Or. en

**Amendment 970**  
**Leszek Miller**

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

*Text proposed by the Commission*

*Amendment*

**Article 12a**

**Exclusions**

**Articles 12 and 13 of Section 1, and the provisions of Section 2, and Section 3 of**

*Chapter III shall not apply to:*

- (a) editorial platforms within the meaning of Article 2(h) of this Regulation;*
- (b) online platforms that qualify as micro and medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC;*
- (c) an intermediary service, except very large online platforms, where it would constitute a disproportionate burden in view of its size, the nature of its activity and the risk posed to users.*

Or. en

**Amendment 971**  
**Ivan Štefanec**

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

*Text proposed by the Commission*

*Amendment*

*Article 12a*

*Exclusions*

*Articles 12 and 13 of Section 1, and the provisions of Section 2, and Section 3 of Chapter III shall not apply to:*

- (a) editorial platforms within the meaning of Article 2(h) of this Regulation;*
- (b) online platforms that qualify as micro and medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC.*

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 972**

**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 12 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 12b**

**Fair consent choice screens**

**1. Providers of intermediary services that ask the recipients of their service for consent as required by Regulation (EU) 2016/679 to collect or process personal data concerning them shall ensure that the end user choice screens shown to that end are designed in a fair and neutral manner and do not in any way subvert or impair user autonomy, decision-making, or choice via the choice screens' structure, function or manner of operation. In particular, providers shall refrain from:**

**(a) giving more visual prominence to any of the consent options when asking the recipient of the service for a decision;**

**(b) repeatedly requesting that a recipient of the service consents to data processing, regardless of the scope of purpose of such processing, especially by presenting a pop-up that interferes with user experience;**

**(c) urging a recipient of the service to change any setting or configuration of the**

*service after the person in question has already made her choice, including by the use of a technical standard in accordance with paragraph 3;*

*(d) making the procedure of cancelling a service more cumbersome than signing up to it.*

*2. The Commission may adopt implementing acts to prescribe binding design aspects and functions of consent choice screens that fulfil the requirements of paragraph 1.*

*3. Providers of intermediary services shall accept the communication of consent choices made by the recipient of the service through automated means, including through standardised digital signals sent by the recipient's software used to access the service such as web browsers and operating systems.*

*4. The Commission shall promote and facilitate the development of technical standards for the automated communication of consent choices through international and Union standardisation bodies. Where standardisation bodies fail to develop a workable technical standard, the Commission shall, not later than two years after entry into force of this Regulation, designate a binding technical standard for the purpose of paragraph 3.*

Or. en

**Amendment 973**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Dragoş Pîslaru, Milan Brglez, Brando Benifei, Eva Kaili, Ioan-Rareş Bogdan, Josianne Cutajar**

**Proposal for a regulation**

**Article 12 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 12b*

### ***Mitigation of risks to children***

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

- (a) implementing mitigation measures identified in Article 27 with regard for children's best interests;***
- (b) adapting or removing system design features that expose children to content, contact, conduct and contract risks, as identified in the process of conducting child impact assessments;***
- (c) implementing proportionate and privacy preserving age assurance, meeting the standard outlined in Article 34;***
- (d) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions to ensure they prioritise the best interests of the child;***
- (e) ensuring the highest levels of privacy, safety, and security by design and default for users under the age of 18;***
- (f) preventing profiling, including for commercial purposes like targeted advertising;***
- (g) ensuring published terms are age appropriate and uphold children's rights;***
- (h) providing child-friendly mechanisms for remedy and redress, including easy access to expert advice and support;***

Or. en

**Amendment 974**  
**Karen Melchior, Anna Júlia Donáth**

## Proposal for a regulation

### Article 13 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 975

**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 13 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports ***including*** information on the following, as applicable:

Or. en

## Amendment 976

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

## Proposal for a regulation

### Article 13 – paragraph 1 – introductory part

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 977**

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

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*It must be clear to whom the reports should be published.*

**Amendment 978**

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

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

*Justification*

*Under NetzDG the main problem for authorities, researchers and civil society is that the reports are not homogenous and it is therefore impossible to do research and compare the reports. Therefore, they should be standardized and machine-readable.*

**Amendment 979**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**

**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 980**

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

**Proposal for a regulation**

**Article 13 – paragraph 1 – point a**



*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*This provision is duplicative with the article 44. The additional changes introduced in the article 44 sufficiently replace deleted part of the article 13.*

#### **Amendment 981**

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

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

#### **Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

**(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed to inform the authority issuing the order of its receipt and the effect given to the order;**

Or. en

*Justification*

*The wording should match the requirement of Article 8 and 9*

#### **Amendment 982**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

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

*Amendment*

*(Does not affect the English version.)*

Or. fr

**Amendment 983**

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

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, ***the number of notices submitted by trusted flaggers***, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action; ***Providers of intermediary services may add additional information as to the reasons for the average time for taking the action.***

Or. en

*Justification*

*additional clarification*

**Amendment 984**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of illegal content concerned, any action taken pursuant to the notices, and the average time needed for taking the action;

Or. fr

**Amendment 985**  
**Sandro Gozi, Stéphanie Yon-Courtin, Valérie Hayer, Fabienne Keller, Christophe Grudler, Stéphane Séjourné, Laurence Farreng, Marco Zullo**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 986**  
**Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 987**  
**Alexandra Geese, Rasmus Andresen, Kim Van Sparrentak**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, **including removals, suspensions, demotions or the imposition of other sanctions**, categorised by the reason and basis for taking those measures, **as well as measures taken to provide training and assistance to members of staff who are engaged in content moderation.**

Or. en

**Amendment 988**  
**Geert Bourgeois**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) ***without prejudice to Article 33a***, the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures; ***providers of intermediary services shall furthermore provide clear information on the use of automated systems;***

Or. nl

**Amendment 989**

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

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 990

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

### Proposal for a regulation

#### Article 13 – paragraph 1 – point d

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*Moved to article 23.*

## Amendment 991

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 13 – paragraph 1 – point d

*Text proposed by the Commission*

*Amendment*

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

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, ***measures and tools used for the purpose of content moderation, including the impact of algorithmic decision-making compared to human review***, the average time needed for taking those decisions and the number of instances where those decisions were reversed.

Or. en

#### **Amendment 992**

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

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

#### **Article 13 – paragraph 1 – point d**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 993**

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

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

#### **Article 13 – paragraph 1 – point d**

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

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

##### *Amendment*

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

Or. en

#### **Amendment 994**

**Ivan Štefanec**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) All providers of intermediary services that are likely to be accessed by children must include provisions and resources in place to safeguard children’s rights and wellbeing as described in the UN Convention on the Rights of the Child and the Convention’s General Comment 25. The impact of services on children must be assessed regularly and children’s rights and wellbeing embedded in the design of services’ updates and innovation.***

Or. en

*Justification*

*Children’s rights and wellbeing must be embedded in the design of digital services. Conducting regular impact assessments and developing adequate mechanisms to mitigate risk and harm must also reflect how said services promote and enhance children’s rights and wellbeing. It is critical to assess how to protect children online (assess “risks” and develop “risk mitigation mechanisms”), as well as assess how the services effectively promote children’s empowerment as users of digital services (therefore, evaluating “children’s rights and wellbeing impact” in the assessment as recognized by the UN GC 25). This assessment should apply to all providers of intermediary services that are likely to be accessed by children and it should be part of Article 13’s provisions on transparency reporting obligations*

**Amendment 995**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) Providers of intermediary services shall, when complying with the requirements of this Article, not be required to disclose information that, with reasonable certainty, would result in public harm through the manipulation of content moderation procedures or the***



*disclosure of trade secrets, in line with Directive (EU) 2016/943.*

Or. en

**Amendment 996**

**Marco Zullo**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

*(da) if available, the Member State from which the illegal action originates.*

Or. en

**Amendment 997**

**David Lega, Hilde Vautmans, Antonio López-Istúriz White, Milan Brglez, Dragoş Pîslaru, Alex Agius Saliba, Ioan-Rareş Bogdan, Josianne Cutajar, Eva Kaili**

**Proposal for a regulation**

**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Providers of intermediary services that impact on children shall publish, at least once a year:*

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

*(b) clear, easily comprehensible and detailed reports outlining the child risk mitigation measures undertaken, their efficacy and any outstanding actions required. These reports must comply with the standards outlined in Article 34, including as regards age assurance and age verification, in line with a child-centred design.*

**Amendment 998**

**Maria Grapini, Christel Schaldemose, Andreas Schieder, Marc Angel**

**Proposal for a regulation**

**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Providers of intermediary services shall ensure that the identity, such as the trademark, logo or other characteristic traits, of the business user providing the goods, content or services on the intermediary services is clearly visible alongside the goods, content or services offered.***

Or. en

*Justification*

*In order to enhance consumer protection, online safety and promote fairness among market participants, it is necessary that the DSA includes an obligation for intermediary service providers to clearly indicate the identity of the business user alongside the goods and services offered by the business user. This obligation is modelled on the Platform-to-Business Regulation and would be applicable to all intermediary service providers and not just online intermediation services (as per the P2B Regulation). Ultimately, it would further reinforce the DSA's objectives of building a transparent and safe online environment, empowering consumers to easily identify the provider of goods or services (including in cases when goods or services are offered by the intermediary service provider) and ensuring that they have trust in the goods, content and services offered online.*

**Amendment 999**

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

**Proposal for a regulation**

**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where providers of intermediary services do not make the report under paragraph 1 available to the general***

*public, at least a summary of the report under paragraph 1 shall be made available to the general public.*

Or. en

**Amendment 1000**

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

**Proposal for a regulation**

**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. The information provided shall be broken down per Member State in which services are offered and in the Union as a whole.*

Or. en

**Amendment 1001**

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

**Proposal for a regulation**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

Or. en

*Justification*

*Exemption is moved to -10 (new) above.*

## Amendment 1002

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

### Proposal for a regulation

#### Article 13 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro, small *or medium sized* enterprises (*SMEs*) within the meaning of the Annex to Recommendation 2003/361/EC. *In addition, paragraph 1 shall not apply to enterprises that previously qualified for the status of a medium-sized, small or micro-enterprise within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that status pursuant to Article 4(2) thereof.*

Or. en

## Amendment 1003

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Article 13 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. Paragraph 1 shall apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC. *Following an additional individual risk assessment, the Digital Services Coordinator of establishment may extend the exemption to selected medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC.*

Or. en

## Amendment 1004

Barbara Thaler

### Proposal for a regulation

#### Article 13 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that **provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 9 million, calculated in accordance with the methodology set out in the delegated acts referred to in Article 25 paragraph 3.**

Or. en

## Amendment 1005

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

### Proposal for a regulation

#### Article 13 – paragraph 2

*Text proposed by the Commission*

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

*Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC **and which are not very large online platforms in accordance with Article 25.**

Or. en

*Justification*

*It may occur that an micro or small enterprise is also a VLOP. In these occasions, it is reasonable to apply all rules.*

## Amendment 1006

Maria da Graça Carvalho

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. pt

**Amendment 1007**

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

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1008**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1009**

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

**Proposal for a regulation**

**Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Paragraph 1 shall not apply where, within the framework of an organised distribution network operating under a common brand, the provider of the intermediary service has a direct organisational, associative, cooperative or capital ownership link with the recipient of the service or where the intermediary service solely aims to intermediate content between the members of the organised distribution framework and their suppliers.**

Or. en

**Amendment 1010**

**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 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Where made available to the public, the annual transparency reports referred to in paragraph 1 shall not include information that may prejudice ongoing activities for the prevention, detection, or removal of illegal content or content counter to a hosting provider's terms and conditions.**

Or. en

*Justification*

*Too many information can lead to the gaming of a system to a negative effect on consumers and other users. Care must be taken to prevent this.*

**Amendment 1011**

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

**Proposal for a regulation**

**Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en