



**2020/0361(COD)**

8.7.2021

# **AMENDMENTS**

## **1873 - 2158**

**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 1873

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

#### Proposal for a regulation

##### Article 35 – paragraph 5

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

5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

###### *Amendment*

5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain. ***In case of systematic and repetitive failure to comply with the Codes of Conduct, the Board shall as a measure of last resort take a decision to temporary suspend or definitely exclude platforms that do not meet their commitments as a signatory to the Codes of Conduct.***

Or. en

### Amendment 1874

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

#### Proposal for a regulation

##### Article 35 – paragraph 5

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

5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

###### *Amendment*

5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain. ***In case of systematic and repetitive failure to comply with the Codes of Conduct, the Board shall as a measure of last resort take a decision to temporary suspend or definitely exclude platforms that do not meet their commitments as a signatory to the Codes of Conduct.***

Or. en

*Justification*

*Providers should fail to honour a code should be potentially excluded from that code.*

**Amendment 1875**

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

**Proposal for a regulation**  
**Article 35 – paragraph 5**

*Text proposed by the Commission*

5. The **Board** shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

*Amendment*

5. The **Agency** shall regularly monitor and evaluate, **at least once a year**, the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

Or. en

**Amendment 1876**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 35 – paragraph 5**

*Text proposed by the Commission*

5. The Board **shall** regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

*Amendment*

5. The Board **may** regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.

Or. en

**Amendment 1877**

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

**Proposal for a regulation**  
**Article 35 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. For each Code of Conduct a European Citizens' Assembly is established that monitors outcomes of the Codes of Conduct, discusses the main issues at stake publicly and sets out public policy recommendations to the Commission. The members of the European Citizens' Assemblies shall be randomly selected so as to be broadly representative of European society elected taking into account gender, age, location, and social class.**

Or. en

#### **Amendment 1878**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 36**

*Text proposed by the Commission*

*Amendment*

#### **Article 36**

**deleted**

#### ***Codes of conduct for online advertising***

**1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.**

**2. The Commission shall aim to ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with**

***Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure that the codes of conduct address at least:***

***(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;***

***(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.***

***3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.***

Or. en

**Amendment 1879  
Karen Melchior**

**Proposal for a regulation  
Article 36**

*Text proposed by the Commission*

*Amendment*

*Article 36*

*deleted*

***Codes of conduct for online advertising***

***1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.***

***2. The Commission shall aim to***

*ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure that the codes of conduct address at least:*

*(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;*

*(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.*

*3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.*

Or. en

## **Amendment 1880**

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

### **Proposal for a regulation**

#### **Article 36 – paragraph 1**

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

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond

##### *Amendment*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond

the requirements of Articles 24 and 30.

the requirements of Articles 24 and 30, ***but also to further transparency between all the players involved in the programmatic advertising value chain.***

Or. en

#### **Amendment 1881**

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

#### **Proposal for a regulation Article 36 – paragraph 1**

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

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency *in* online advertising beyond the requirements of Articles 24 and 30.

##### *Amendment*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency ***for all players in the*** online advertising ***value chain.*** beyond the requirements of Articles 24 and 30

Or. en

#### **Amendment 1882**

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

#### **Proposal for a regulation Article 36 – paragraph 1**

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

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online

##### *Amendment*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online



advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency *in* online advertising beyond the requirements of Articles 24 and 30.

advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency *for all actors in the* online advertising *value chain*, beyond the requirements of Articles 24 and 30

Or. en

### *Justification*

*Due to the complex nature of advertising online, it is important to include all players within the codes of conduct*

### **Amendment 1883**

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

### **Proposal for a regulation**

#### **Article 36 – paragraph 1**

#### *Text proposed by the Commission*

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

#### *Amendment*

1. The Commission shall encourage and facilitate the drawing up of *voluntary* codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

Or. en

### **Amendment 1884**

**Marcel Kolaja**

### **Proposal for a regulation**

#### **Article 36 – paragraph 1**

*Text proposed by the Commission*

1. The Commission **shall** encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

*Amendment*

1. The Commission **may** encourage and facilitate the drawing up of **voluntary** codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.

Or. en

**Amendment 1885**

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

**Proposal for a regulation**

**Article 36 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article **24**;

*Amendment*

(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article **2a new**;

Or. en

**Amendment 1886**

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

**Proposal for a regulation**

**Article 36 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant

*Amendment*

(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant

to Article 30.

to Article 30, *in particular the information referred to in points (d) and (d a new) of paragraph 2 of Article 30..*

Or. en

**Amendment 1887**

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

**Proposal for a regulation**

**Article 36 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) the set-up of a common or unique identifier constituted by multiple elements (such as the advertiser identifier and references to the brand of the campaign, its product, and the reference of the purchase) which enables advertisers and publishers to identify and track a campaign throughout its lifecycle.*

Or. en

**Amendment 1888**

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

**Proposal for a regulation**

**Article 36 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) the setting-up of unique identifier that will enable advertisers and publishers to identify and track a campaign throughout its lifecycle.*

Or. en

**Amendment 1889**

**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 36 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.

*Amendment*

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date. ***The Commission shall evaluate the application of those codes three years after the application of this Regulation.***

Or. en

*Justification*

*Once adopted, the Commission should start to evaluate if they are being implemented. If they are not, then further actions could be considered.*

**Amendment 1890**

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

**Proposal for a regulation  
Article 36 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.

*Amendment*

3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date. ***The Commission shall evaluate the application of those codes two years after the application of this Regulation.***

Or. en

**Amendment 1891**

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

**Proposal for a regulation**  
**Article 36 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall encourage all the players in the online advertising value chain to endorse and comply with the commitments stated in the codes of conduct.**

Or. en

**Amendment 1892**

**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 36 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall encourage all the actors in the online advertising eco-system to endorse and comply with the commitments stated in the codes of conduct.**

Or. en

*Justification*

*Due to the complex system of online advertising, it is important that all different actors in the system are party to the codes of conduct*

**Amendment 1893**

**Liesje Schreinemacher, Bart Groothuis, Hilde Vautmans, Marco Zullo, Karen Melchior, Morten Løkkegaard, Adrián Vázquez Lázara, Sandro Gozi**

**Proposal for a regulation**  
**Article 36 a (new)**

***Article 36a***

***Codes of conduct for the protection of minors***

- 1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between online platforms and other relevant services providers and organisations representing minors, parents and civil society organisations or relevant authorities to further contribute to the protection of minors on online.***
- 2. The Commission shall aim to ensure that the codes of conduct pursue an effective protection of minors online, which respects their right 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. The Commission shall aim to ensure that the codes of conduct address at least:***
  - (a) age verification and age assurance models, taking into account the industry standards referred to in article 34.***
  - (b) child-centred and age-appropriate design, taking into account the industry standards referred to in Article 34.***
- 3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of the Regulation and their application no later than six months after that date.***

Or. en

**Amendment 1894**

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

**Proposal for a regulation**  
**Article 36 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 36a**

***Codes of conduct for short-term holiday rentals***

- 1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between online platforms, short-term holiday rental providers, and relevant authorities to contribute to the proper enforcement of the authorization and registration schemes for short-term holiday rentals.***
- 2. The Commission shall aim to ensure that the codes of conduct lead to the development of effective mechanisms for online platforms to verify and track short-term holiday rental providers' compliance with national registration and authorization requirements. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.***

Or. en

*Justification*

*The DSA can play a key role in tackling the issue of illegal short-term holiday rentals (STRs). Currently, despite the fact that STR providers are subject to clear registration and authorization requirements in many Member States, enforcing such registration schemes has proved difficult. STR providers often advertise their properties without a proper registration number on an online platform and public authorities struggle to identify and order the removal of such properties. The DSA can provide enforcement relief by encouraging the introduction of more automated verification systems through online databases set up by public authorities that platforms could consult to verify that STR providers have received the relevant authorization to market their property.*

**Amendment 1895**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 37**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. fr

**Amendment 1896**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 37**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 1897**  
**Arba Kokalari, Pablo Arias Echeverría, Andreas Schwab, Anna-Michelle Asimakopoulou, Axel Voss, Ivan Štefanec, Pilar del Castillo Vera, Barbara Thaler**

**Proposal for a regulation**  
**Article 37 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of **voluntary** crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.

Or. en

**Amendment 1898**  
**Marcel Kolaja**



**Proposal for a regulation**  
**Article 37 – paragraph 1**

*Text proposed by the Commission*

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.

*Amendment*

1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of **voluntary** crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.

Or. en

**Amendment 1899**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 37 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Commission **shall** encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:

*Amendment*

2. The Commission **may** encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:

Or. en

**Amendment 1900**  
**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**  
**Article 37 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level;

*Amendment*

(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level **which are accessible for persons with**

*disabilities;*

Or. en

**Amendment 1901**

**Marcel Kolaja**

**Proposal for a regulation**

**Article 37 – paragraph 3**

*Text proposed by the Commission*

3. The Commission may involve, as appropriate, Member States' authorities and Union bodies, offices and agencies in drawing up, testing and supervising the application of the crisis protocols. ***The Commission may, where necessary and appropriate, also involve civil society organisations or other relevant organisations in drawing up the crisis protocols.***

*Amendment*

3. The Commission may involve, as appropriate, Member States' authorities and Union bodies, offices and agencies in drawing up, testing and supervising the application of the crisis protocols.

Or. en

**Amendment 1902**

**Jordi Cañas, Maite Pagazaurtundúa**

**Proposal for a regulation**

**Article 37 – paragraph 4 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) measures to ensure accessibility for persons with disabilities during implementation of crisis protocols, including by providing accessible description about these protocols.***

Or. en

*Justification*

*The EU is also obliged by the UN CPRD to protect persons with disabilities in situations of risk and humanitarian emergencies (Article 11). Vitality of emergency public information (Audiovisual Media Services Directive) and emergency communications (European*

*Electronic Communications Code) is well established and appreciated in Union legislation. The DSA should be consistent with this approach as means of implementation of the UN Convention.*

#### **Amendment 1903**

**Alex Agius Saliba, Christel Schaldemose**

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

#### **Article 37 – paragraph 4 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) measures to ensure accessibility for persons with disabilities during implementation of crisis protocols, including by providing accessible description about these protocols***

Or. en

*Justification*

*The EU is also obliged by the UN CPRD to protect persons with disabilities in situations of risk and humanitarian emergencies (Article 11). Vitality of emergency public information (Audiovisual Media Services Directive) and emergency communications (European Electronic Communications Code) is well established and appreciated in Union legislation. The DSA should be consistent with this approach as means of implementation of the UN Convention.*

#### **Amendment 1904**

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

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

#### **Article 37 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 1905**  
**Marcel Kolaja**

**Proposal for a regulation**  
**Article 37 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 37a**

***Accountability and transparency***

***1. Before initiating or facilitating the negotiation or the revision of codes of conduct, the Commission shall***

***(a) consider the appropriateness of proposing legislation;***

***(b) publish the elements of the code which it could propose or advocate;***

***(c) invite the European Parliament, the Council, the Fundamental Rights Agency, the public and, where relevant, the European Data Protection Supervisor to express their opinion and publish their opinions;***

***(d) conduct a Fundamental Rights Impact Assessment and publish the findings.***

***2. The Commission shall subsequently publish the elements of the envisaged code which it intends to propose or advocate in the negotiations. It shall not propose or advocate elements which the European Parliament or the Council object to or which have not been subject to the process set out in paragraph 1.***

***3. The Commission shall allow representatives of non-governmental organisations which advocate the interests of the recipients of relevant services, the European Parliament, the Council and the Fundamental Rights Agency to observe the negotiations and to have access to all documents pertaining to***

*them. The Commission shall offer compensation to non-profit participants.*

*4. The Commission shall publish codes of conduct and their parties and keep the information updated.*

*5. This Article shall apply, mutatis mutandis, to crisis protocols.*

Or. en

## **Amendment 1906**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 38 – paragraph 1**

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

1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities').

##### *Amendment*

1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities'), ***without prejudice to the procedures for the supervision of very large online platforms laid out in Section 3.***

Or. en

##### *Justification*

*For very large online platforms, a new European Platform Agency is established. This amendment clarifies that this shall not affect the work of the authorities at Member State level.*

## **Amendment 1907**

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

### **Proposal for a regulation**

#### **Article 38 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1908**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 38 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent application and enforcement of

national level in respect of those matters and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

this Regulation throughout the Union.

Or. en

#### **Amendment 1909**

**Karen Melchior, Anna Júlia Donáth**

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

#### **Article 38 – paragraph 2 – subparagraph -1 (new)**

*Text proposed by the Commission*

*Amendment*

***-1. Member States shall not designate the regulatory authorities referred to in Article 30 of the Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services as competent authorities or as Digital Services Coordinator.***

Or. en

#### *Justification*

*The Member States should refrain from designating the same authorities as those designated pursuant to article 30 of the AVMSD in order to avoid providing one single institution with the authority to shape the Member State's entire media landscape and online space*

#### **Amendment 1910**

**Karen Melchior, Anna Júlia Donáth**

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

#### **Article 38 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***When a Member State is subject to a procedure referred to in Article 7(1) or 7(2) of the Treaty on European Union or***

*against whom a procedure based on Regulation 2020/2092 was initiated, the Commission shall additionally confirm that the Digital Services Coordinator proposed by that Member State fulfils the requirements laid down in Article 39 before that Digital Services Coordinator can be designated.*

Or. en

**Amendment 1911**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 38 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the **Board and the Commission**, without prejudice to the possibility for Member States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator.

*Amendment*

For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the **Agency**, without prejudice to the possibility for Member States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator.

Or. en

*Justification*

*For very large online platforms, a new European Platform Agency is established, that takes on the tasks originally foreseen for the Commission and the Board.*

**Amendment 1912**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 38 – paragraph 2 – subparagraph 3**



*Text proposed by the Commission*

Where a Member State designates more than one competent authority in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined and that they cooperate closely and effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the **Commission and the Board.**

*Amendment*

Where a Member State designates more than one competent authority in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined and that they cooperate closely and effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the **Agency.**

Or. en

*Justification*

*For very large online platforms, a new European Platform Agency is established, that takes on the tasks originally foreseen for the Commission and the Board.*

**Amendment 1913**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**

**Article 38 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.

*Amendment*

Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted. **Furthermore, the Commission shall issue guidance to the Member States, to ensure that national, local and regional authorities relate to their Digital Coordinators in a consistent and comparable manner.**

Or. en

**Amendment 1914**

**Maria Grapini, Christel Schaldemose, Marc Angel, Evelyne Gebhardt, Brando Benifei**

**Proposal for a regulation**

**Article 38 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.

*Amendment*

Member States shall make publicly available ***through online and offline means***, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.

Or. en

**Amendment 1915**

**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**

**Article 38 – paragraph 3 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***This paragraph applies mutatis mutandis to the certification process for out-of-court dispute settlement bodies as described in Article 18(2) and the award of the status of trusted flagger as described in Article 19(2).***

Or. en

**Amendment 1916**

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

**Proposal for a regulation**

**Article 38 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Member States shall ensure that***

*their Digital Services Coordinators are informed by the relevant national, local and regional authorities on the diversity of platform sectors and issues covered by this Regulation;*

Or. en

**Amendment 1917**

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

**Proposal for a regulation**

**Article 38 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that the competent authorities have adequate financial and human resources, as well as legal and technical expertise to fulfil their tasks under this Regulation.**

Or. en

**Amendment 1918**

**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 38 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that the competent authorities have adequate financial and human resources, as well as legal and technical expertise to fulfil their tasks under this Regulation.**

Or. en

*Justification*

*Without adequate financial and human resources, it will not be possible to enforce the many*

*requirements of this Regulation*

**Amendment 1919**

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

**Proposal for a regulation**

**Article 38 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 38a**

***Relation to sector-specific provisions***

***The application of these provisions does not affect areas that are subject to sector-specific regulation and provisions. In these areas, the responsibility for enforcing the provisions lies with the competent national authorities, which are organised in European networks. Within these networks, the competent authorities shall establish suitable procedures that allow for effective coordination and consistent application and enforcement of this Regulation.***

Or. en

*Justification*

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

**Amendment 1920**

**Barbara Thaler, Arba Kokalari**

**Proposal for a regulation**

**Article 39 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that their Digital Services Coordinators perform

1. Member States shall ensure that their Digital Services Coordinators perform

their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out their tasks.

their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out their tasks. ***In addition, Member States shall ensure that their Digital Services Coordinators conduct exchange with the service providers to strengthen a common understanding regarding their business models as well as the legal necessities.***

Or. en

#### **Amendment 1921**

**Karen Melchior, Anna Júlia Donáth**

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

**Article 39 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that the Digital Services Coordinators are legally distinct from the government and functionally independent of their respective governments and of any other public or private body.***

Or. en

#### **Amendment 1922**

**Jean-Lin Lacapelle, Virginie Joron**

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

**Article 39 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Digital Services Coordinators shall act with complete independence. They shall remain free from any external influence, whether***

***deleted***

*direct or indirect, and shall neither seek nor take instructions from any other public authority or any private party.*

Or. fr

#### **Amendment 1923**

**Jean-Lin Lacapelle, Virginie Joron**

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

#### **Article 39 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national constitutional law.**

**deleted**

Or. fr

#### **Amendment 1924**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 39 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national constitutional law.

3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national constitutional law. **To this end, Digital Services Coordinators shall protocol their carried-**

*out tasks and exercised power in form of a report, which is to be published in the information sharing system pursuant to Article 67 of this Regulation and present it to the European Parliament.*

Or. en

#### **Amendment 1925**

**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 39 – paragraph 3**

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

3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national *constitutional* law.

##### *Amendment*

3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national law.

Or. en

#### **Amendment 1926**

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

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

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

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

##### *Amendment*

1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III and IV of this Regulation *and final jurisdiction as to disputes on orders issued*

*under Article 8 and 9.*

Or. en

*Justification*

*When there is a dispute between an authority and a provider under Articles 8 and 9, it must be clear what is the final jurisdiction. Due its cross-border nature, taking into account the country of origin principle, this jurisdiction should be that of the Member States of establishment.*

**Amendment 1927**

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

**Proposal for a regulation**

**Article 40 – paragraph 1**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 1928**

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

**Proposal for a regulation**

**Article 40 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. By means of derogation from paragraph 1, the Member State in which the consumers have their residence shall have jurisdiction for the purposes of Articles 22, 22a and 22b of this Regulation and the Member State in which the authority issuing the order is situated shall have jurisdiction for the purposes of Articles 8 and 9 of this Regulation.*



**Amendment 1929**  
**Jean-Lin Lacapelle, Virginie Joron**

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

*Text proposed by the Commission*

*Amendment*

**1a. The Member State in which an event which calls into question the service provider takes place or in which the natural or legal person who is the recipient of the service resides, shall also have jurisdiction for the purposes of Chapters III and IV of this Regulation.**

Or. fr

**Amendment 1930**  
**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1931**  
**Geoffroy Didier, Sabine Verheyen, Brice Hortefeux, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

*Amendment*

**1b. The Member State where the**

*authority issuing the order is situated shall have jurisdiction for the purposes of Articles 8 and 9.*

Or. en

**Amendment 1932**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 40 – paragraph 3**

*Text proposed by the Commission*

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States *and ensure* that the principle of ne bis in idem is respected.

*Amendment*

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States. *Where a number of Member States decide to exercise jurisdiction with regard to the same service provider, they shall coordinate their actions, where necessary via the Board, ensuring* that the principle of ne bis in idem is respected.

Or. fr

**Amendment 1933**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 40 – paragraph 3**

*Text proposed by the Commission*

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III

*Amendment*

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III

and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all *other Member States* and ensure that the principle of ne bis in idem is respected.

and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all *Digital Services Coordinators* and ensure that the principle of ne bis in idem is respected.

Or. en

#### *Justification*

*Clarification on which entity needs to be informed.*

#### **Amendment 1934**

**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 40 – paragraph 3**

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

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States *and* ensure that the principle of ne bis in idem is respected.

##### *Amendment*

3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States *to* ensure that the principle of ne bis in idem is respected.

Or. en

#### **Amendment 1935**

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

#### **Proposal for a regulation Article 40 – paragraph 3 a (new)**

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

##### *Amendment*

**3a. Paragraph 3 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. Such enterprises shall be deemed to be under the jurisdiction of the Member State where their point of contact resides or is established. Where no point of contract is established or resides in a Member State, paragraph 3 shall apply.*

Or. en

*Justification*

*For small providers of, for example, an app, it would be a burden to be subject to all DSCs when there is little or no risk. Nonetheless, if a provider does not have a point of contact, the should be subject to the whole article.*

**Amendment 1936**

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

**Proposal for a regulation**

**Article 40 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Member State shall have jurisdiction for the purposes of Chapters III and IV of this Regulation where providers online social networking services designated as very large online platforms are concerned, as defined in Article 25 and which offer services to a significant number of active end users of the service in a given Member State which can be calculated on the basis of Article 23(2).**

Or. en

**Amendment 1937**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 40 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3. *deleted*

Or. fr

**Amendment 1938**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 40 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Paragraphs 1, 2 and 3 are without prejudice to the *second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.*
4. Paragraphs 1, 2 and 3 are without prejudice to the *procedures for the supervision of very large online platforms as laid out in Section 3.*

Or. en

*Justification*

*For very large online platforms, a new European Platform Agency is established, that takes on the tasks originally foreseen for the Commission and the Board.*

**Amendment 1939**

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

**Proposal for a regulation**

**Article 40 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Paragraphs *1*, 2 and 3 are without
4. Paragraphs *1,1a*, 2 and 3 are

prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.

without prejudice to **Article 43(2)**, the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.

Or. en

#### **Amendment 1940**

**Martin Schirdewan, Anne-Sophie Pelletier**

#### **Proposal for a regulation Article 40 – paragraph 4**

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

4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.

##### *Amendment*

4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the **Board and the** Commission under Section 3.

Or. en

#### **Amendment 1941**

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

#### **Proposal for a regulation Article 41 – paragraph 1 – introductory part**

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

1. Where needed for carrying out their tasks, Digital Services Coordinators shall have at least the following powers of investigation, in respect of conduct by providers of intermediary services under the jurisdiction of their Member State:

##### *Amendment*

1. Where needed for carrying out their tasks ***under this Regulation and also in order to avoid any discrepancy in the enforcement of the Digital Services Act***, Digital Services Coordinators shall have at least the following powers of investigation, in respect of conduct by providers of intermediary services under the jurisdiction of their Member State:

Or. en

**Amendment 1942**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 41 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within *a reasonable time period*;

*Amendment*

(a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information *without undue delay, or at the latest* within *one month*;

Or. en

*Justification*

*GDPR has shown that fixed deadlines are necessary.*

**Amendment 1943**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 41 – paragraph 2 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) *the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding*;

*Amendment*

*deleted*

Or. en

## Amendment 1944

Geoffroy Didier

### Proposal for a regulation

#### Article 41 – paragraph 2 – subparagraph 1 – point e

*Text proposed by the Commission*

(e) the power to adopt interim measures to avoid the risk of serious harm.

*Amendment*

(e) the power to adopt interim measures to ***address repeated infringement of the obligations laid down in the Regulation or to*** avoid the risk of serious harm.

Or. en

## Amendment 1945

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

### Proposal for a regulation

#### Article 41 – paragraph 2 – subparagraph 1 – point e

*Text proposed by the Commission*

(e) the power to adopt interim measures to avoid the risk of serious harm.

*Amendment*

(e) the power to adopt ***proportionate*** interim measures to avoid the risk of serious harm, ***without prejudice to fundamental rights.***

Or. en

## Amendment 1946

Geoffroy Didier

### Proposal for a regulation

#### Article 41 – paragraph 2 – subparagraph 1 – point e a (new)

*Text proposed by the Commission*

*Amendment*

***(ea) For the purposes of sub-paragraph (e), the powers of Digital Service Coordinator shall include the ability to request the relevant judicial authority to:***



*(i) issue an order to remove content or to restrict access to an online interface or to order the explicit display of a warning to consumers when they access an online interface;*

*(ii) order a provider of a hosting service to remove, disable or restrict access to an online interface;*

*(iii) where appropriate, order domain registries or registrars to delete a fully qualified domain name and to allow the competent authority concerned to register it, including by requesting at third party or other public authority to implement such measures; or,*

*(iv) order other appropriate measures under the circumstances.*

Or. en

#### **Amendment 1947**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

#### **Article 41 – paragraph 2 – subparagraph 2**

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

As regards points (c) and (d) of the first subparagraph, Digital Services Coordinators shall also have the enforcement powers set out in those points in respect of the other persons referred to in paragraph 1 for failure to comply with any of the orders issued to them pursuant to that paragraph. They shall only exercise those enforcement powers after having provided those *others* persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.

##### *Amendment*

As regards points (c) and (d) of the first subparagraph, Digital Services Coordinators shall also have the enforcement powers set out in those points in respect of the other persons referred to in paragraph 1 for failure to comply with any of the orders issued to them pursuant to that paragraph. They shall only exercise those enforcement powers after having provided those *other* persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.

*Justification**Linguistic fix***Amendment 1948****Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak****Proposal for a regulation****Article 41 – paragraph 3 – subparagraph 1 – introductory part***Text proposed by the Commission*

3Where needed for carrying out their tasks, Digital Services Coordinators shall also have, in respect of providers of intermediary services under the jurisdiction of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:

*Amendment*

Where needed for carrying out their tasks, Digital Services Coordinators shall also have, in respect of providers of intermediary services under the jurisdiction of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists ***or is continuously repeated*** and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:

Or. en

*Justification*

*To include infringements that ceased for a certain time but repeat themselves repeatedly.*

**Amendment 1949****Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak****Proposal for a regulation****Article 41 – paragraph 3 – subparagraph 1 – point a***Text proposed by the Commission*

(a) require the management body of the

*Amendment*

(a) require the management body of the

providers, within a reasonable time period, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;

providers, within a reasonable time period ***which shall in any case not exceed three months***, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;

Or. en

#### *Justification*

*To include a fixed deadline, as GDPR has shown that where these are lacking, proceedings risk to be dragged out.*

#### **Amendment 1950**

**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 41 – paragraph 3 – subparagraph 1 – point a**

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

(a) require the management body of the providers, within a reasonable time period, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;

##### *Amendment*

(a) require the management body of the providers, within a reasonable time period, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken ***within a specific period***;

Or. en

#### **Amendment 1951**

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

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

#### **Article 41 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) where the Digital Services Coordinator considers that the provider has not sufficiently complied with the requirements of the first indent, that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

*Amendment*

(b) where the Digital Services Coordinator considers that the provider has not sufficiently complied with the requirements of the first indent, that the infringement persists *or is continuously repeated* and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

Or. en

*Justification*

*To include infringements that ceased for a certain time but repeat themselves repeatedly.*

**Amendment 1952**

**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 41 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) where the Digital Services Coordinator considers that the provider has not *sufficiently* complied with the requirements of the first indent, that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or,

*Amendment*

(b) where the Digital Services Coordinator considers that the provider has not complied with the requirements of the first indent, that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not

only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

Or. en

### **Amendment 1953**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

### **Article 41 – paragraph 3 – subparagraph 2**

#### *Text proposed by the Commission*

The Digital Services Coordinator shall, ***except where it acts upon the Commission's request referred to in Article 65***, prior to submitting the request referred to in point (b) of the first subparagraph, invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures that it intends to request and identifying the intended addressee or addressees thereof. The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings before the competent judicial authority. Any measure ordered shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by recipients of the service concerned.

#### *Amendment*

The Digital Services Coordinator shall, prior to submitting the request referred to in point (b) of the first subparagraph, invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures that it intends to request and identifying the intended addressee or addressees thereof. The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings before the competent judicial authority. Any measure ordered shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by recipients of the service concerned.

Or. en

#### *Justification*

*To align with changes proposed to Section 3, namely the introduction of an Agency for VLOPs.*

**Amendment 1954**

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

**Proposal for a regulation**

**Article 41 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Following request to the Commission and in cases of infringements that persist, could cause serious harm to recipients of the service, or could seriously affect their fundamental rights, the Digital Services Coordinator of the country of destination may be entitled to additional powers in the framework of joint investigations as referred to in Article 46.**

Or. en

**Amendment 1955**

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

**Proposal for a regulation**

**Article 41 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. The Commission shall publish guidelines by [six months after adoption] on the powers and procedures of the Digital Services Coordinators. Member States shall follow these guidelines or explain otherwise to the Commission.**

Or. en

*Justification*

*While Member States are free to organise their bodies as they would like, it is important that DSCs act as similar to each other as possible. This would allow providers to know what to expect. Equally, it will lead to fewer disagreements and misunderstandings between DSCs.*

**Amendment 1956**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 42 – paragraph 2**

*Text proposed by the Commission*

2. Penalties shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures and shall notify *it*, without delay, of any subsequent amendments affecting them.

*Amendment*

2. Penalties shall be effective, proportionate and dissuasive. Member States shall notify the Commission *and the Board* of those rules and of those measures and shall notify *them*, without delay, of any subsequent amendments affecting them.

Or. fr

**Amendment 1957**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 42 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed **6 %** of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed **1%** of the annual income or turnover of the provider concerned.

*Amendment*

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed **10%** of the annual *worldwide* income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed **2%** of the annual *worldwide* income or turnover of the provider concerned.

Or. en

*Justification*

*1) Clarification of reference for turnover. 2) Fines have turned out to be too small. VLOPs*

consider them cost of doing business. After FTC slapped Facebook with a record 5 billion dollar fine in 2019, FB shares went up.

### **Amendment 1958**

**Jean-Lin Lacapelle, Virginie Joron**

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

#### **Article 42 – paragraph 3**

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

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed 6 % of the **annual** income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1 % of the **annual** income or turnover of the provider concerned.

##### *Amendment*

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed 6% of the income or **the global annual** turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the income or **the global annual** turnover of the provider concerned.

Or. fr

### **Amendment 1959**

**Barbara Thaler**

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

#### **Article 42 – paragraph 3**

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

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed **6** % of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading

##### *Amendment*

3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed **2** % of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading



information and to submit to an on-site inspection shall not exceed 1% of the annual income or turnover of the provider concerned.

information and to submit to an on-site inspection shall not exceed 1% of the annual income or turnover of the provider concerned.

Or. en

#### **Amendment 1960**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

#### **Article 42 – paragraph 4**

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

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed **5 %** of the average daily turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

##### *Amendment*

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed **10 %** of the average daily **worldwide** turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

Or. en

##### *Justification*

*1) Clarification of reference for turnover. 2) Fines have turned out to be too small. VLOPs consider them cost of doing business. After FTC slapped Facebook with a record 5 billion dollar fine in 2019, FB shares went up.*

#### **Amendment 1961**

**Jean-Lin Lacapelle, Virginie Joron**

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

#### **Article 42 – paragraph 4**

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

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily turnover of the provider of

##### *Amendment*

4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5% of the average daily **global** turnover of the

intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

Or. fr

#### **Amendment 1962**

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

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

#### **Article 42 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure that administrative or judicial authorities issuing orders pursuant to Article 8 and 9 shall only issue penalties or fines in line with this Article.**

Or. en

*Justification*

*As penalties and fines are fixed in the Regulation, it would not be correct to allow unrelated authorities to issue additional fines outside the scope of the rules set down in this regulation*

#### **Amendment 1963**

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

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

#### **Article 42 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 42a**

**General conditions for imposing penalties**

**1. Before penalties are issued under Article 42, when deciding whether to impose a penalty and deciding on the amount of the penalty in each individual case due regard shall be given to the**

*following:*

*(a) the nature, gravity and duration of the infringement taking into account the nature scope or purpose of the processing concerned as well as the number of recipients affected and the level of damage suffered by them;*

*(b) the intentional or negligent character of the infringement;*

*(c) any action taken by the provider to mitigate the damage of the infringement;*

*(d) the degree of responsibility of the provider taking into account any other providers involved;*

*(e) any relevant previous infringements by the provider;*

*(f) the degree of cooperation with the Digital Services Coordinator(s), in order to remedy the infringement and mitigate the possible adverse effects of the infringement;*

*(g) the manner in which the infringement became known to the Member State;*

*(h) where infringement have previously been ordered against the provider concerned with regard to the same subject-matter, compliance with those measures;*

*(i) adherence to approved codes of conduct pursuant to Article 35 and 36; and*

*(k) any other aggravating or mitigating factor applicable to the circumstances of the case, such as financial benefits gained, or losses avoided, directly or indirectly, from the infringement.*

*2. If a provider infringes several provisions of this Regulation, the total amount of the penalty shall not exceed the amount specified in Article 42 (3).*

*3. The exercise by a Member State of its powers under this Article and Article*

***42 shall be subject to appropriate procedural safeguards in accordance with Union and Member State law, including effective judicial remedy and due process.***

Or. en

*Justification*

*Same Rules that applied under the GDPR. When deciding on sanctions or fines, it is appropriate to take into account the different factors around the case before deciding. This should be set down in order to ensure that the same standards are applied in all cases.*

**Amendment 1964**

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

**Proposal for a regulation**

**Article 42 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 42a***

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

Or. en

**Amendment 1965**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 43 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an

Recipients of the service, ***as well as bodies, organisations or associations referred to in Article 68, independently of a***

infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

*recipient's mandate*, shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment *without undue delay*. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority *without undue delay*. ***Where the complaint falls under the responsibility of the Agency, the Digital Service Coordinator receiving the complaint shall transmit it to the Agency without undue delay.***

Or. en

#### *Justification*

*To align with the suggested changes in Section 3, namely, the introduction for an agency for VLOPs and to clarify that transmissions must be handled expeditiously. Further, inspired by the bad experience from the slow handling of complaints under the GDPR.*

**Amendment 1966**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 43 – paragraph 1**

#### *Text proposed by the Commission*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. ***The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of***

#### *Amendment*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established, ***pursuant to Article 40(2).***

*establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.*

Or. fr

#### **Amendment 1967**

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

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

#### **Article 43 – paragraph 1**

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

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

##### *Amendment*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. ***Assessment of the complaint can be supplemented by the opinion of Digital Services Coordinator of the Member State, where the recipient resides or is established, on how the matter should be resolved taking into account national law and socio-cultural context of a given Member State.*** Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

Or. en

#### **Amendment 1968**

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

**Proposal for a regulation**  
**Article 43 – paragraph 1**

*Text proposed by the Commission*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

*Amendment*

Recipients of the service, ***as well as other parties having a legitimate interest and meeting relevant criteria of expertise and independence from any online hosting services provider or platform*** shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

Or. en

**Amendment 1969**  
**Karen Melchior, Anna Júlia Donáth**

**Proposal for a regulation**  
**Article 43 – paragraph 1**

*Text proposed by the Commission*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital

*Amendment*

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established ***or with in the case of very large online platforms, the Commission.*** The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment ***or in the case of very large online platforms,***

Service Coordinator receiving the complaint shall transmit it to that authority.

*the Commission.* Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

Or. en

#### **Amendment 1970**

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

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

#### **Article 43 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Pursuant to paragraph 1 of this Article, the Digital Services Coordinator of establishment, in cases concerning a complaint transmitted by the Digital Services Coordinator of the Member State where the recipient resides or is established, shall assess the matter in a timely manner and shall inform the Digital Services Coordinator of the Member State where the recipient resides or is established, on how the complaint has been handled.*

Or. en

#### **Amendment 1971**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

#### **Article 43 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Recipients of the service or their representatives that lodged the complaint should have a right to be heard in the procedure conducted by the competent*



*authority and should be informed about each stage of the procedure by the Digital Services Coordinator assessing their claim. They shall obtain a response from the Digital Coordinator within three months since they lodged their complaint.*

Or. en

**Amendment 1972**

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

**Proposal for a regulation**

**Article 43 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Where the complaint concerns an alleged harm upon the recipients of the service, the Member State where the recipient resides shall have jurisdiction for the purposes of the complaint.*

Or. en

**Amendment 1973**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 43 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*A decision on the complaint shall be taken without delay and within 6 months at the latest.*

Or. en

**Amendment 1974**

**Sandro Gozi, Christophe Grudler, Laurence Farreng, Valérie Hayer, Stéphanie Yon-**

**Proposal for a regulation**  
**Article 43 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 43a**

***Rights to effective judicial remedies***

**1. Without prejudice to any available administrative or non-judicial remedy, any recipient of the service or representative organisations shall have the right to an effective judicial remedy where he or she suffered harm as a result of an infringement of Articles 26(1) and 27(1).**

**2. In determining whether the very large online platform has complied with its obligations under Article 27(1), and in light of the principle of proportionality, the availability of suitable and effective measures shall be taken into account.**

**3. Such proceedings may be brought before the courts of the Member State where the recipient of the service has his or her habitual residence.**

**4. Without prejudice to any other administrative or non-judicial remedy, any recipients of the service or representative organisations shall have the right to an effective judicial remedy where the Digital Service Coordinator which is competent pursuant to Articles 40 and 43 does not handle a complaint or does not inform the recipient of the service within three months on the progress or outcome of the complaint lodged pursuant to Article 43.**

***Proceedings against a Digital Services Coordinator under paragraph 4 shall be brought before the courts of the Member State where the Digital Services Coordinator is established.***

Or. en

## Amendment 1975

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Article 44 – paragraph 1

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

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

##### *Amendment*

1. Digital Services Coordinators shall draw up **a clear and detailed** annual report on their activities under this Regulation. They shall make the annual reports available to the public **in a standardised and machine-readable format**, and shall communicate them to the **Agency**.

Or. en

## Amendment 1976

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

### Proposal for a regulation

#### Article 44 – paragraph 2 – point a

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

(a) the number and subject matter of orders to act against illegal content and orders to provide information issued in accordance with Articles 8 and 9 by any national judicial or administrative authority of the Member State of the Digital Services Coordinator concerned;

##### *Amendment*

(a) the number and subject matter of orders to act against illegal content and orders to provide information, **including at least information on the name of the issuing authority, the name of the provider and the type of action specified in the order**, issued in accordance with Articles 8, **8a** and 9 by any national judicial or administrative authority of the Member State of the Digital Services Coordinator concerned;

Or. en

## Amendment 1977

Jean-Lin Lacapelle, Virginie Joron

**Proposal for a regulation**  
**Article 44 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the number and subject matter of orders to act against illegal content and orders to provide information issued in accordance with Articles 8 and 9 by any national judicial or administrative authority of the Member State of the Digital Services Coordinator concerned;

*(Does not affect the English version.)*

Or. fr

**Amendment 1978**

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

**Proposal for a regulation**  
**Article 44 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the conditions met to justify any order to act against illegal content and to provide information taken that derogates from the internal market clause in accordance with Article 3 of Directive 2000/31/EC.***

Or. en

*Justification*

*To prevent fragmentation of the internal market.*

**Amendment 1979**

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

**Proposal for a regulation**  
**Article 44 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the number of appeals made against those orders raised by providers of intermediary services or recipients of the service as well as the outcome of appeals;***

Or. en

**Amendment 1980**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 44 – paragraph 2 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) in the case of criminal law violations, the number of orders which led to investigation and prosecution of the underlying offences.***

Or. en

**Amendment 1981**

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

**Proposal for a regulation**

**Article 44 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Based on the information published by Digital Services Coordinators, the Commission shall submit to the European Parliament and to the Council a dedicated biennial report analysing the aggregated data on orders referred to in Articles 8, 8a and 9 and issued by the Digital Services Coordinators, with a special attention being paid to potential abusive use of these Articles. The report shall provide a***

*comprehensive overview of the orders to act against illegal content and it shall provide, for a specific period of time, the possibility to assess the activities of Digital Services Coordinators.*

Or. en

**Amendment 1982**

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

**Proposal for a regulation**

**Article 44 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.**

Or. en

**Amendment 1983**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where a Digital Services Coordinator has reasons to suspect that a provider of an intermediary service, not under the jurisdiction of the Member State concerned, infringed this Regulation, it shall request the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure

Where a Digital Services Coordinator has reasons to suspect that a provider of an intermediary service, not under the jurisdiction of the Member State concerned **and not falling under the procedures laid out in Section 3**, infringed this Regulation, it shall request the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory

compliance with this Regulation.

and enforcement measures to ensure compliance with this Regulation.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 1984**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Where the **Board** has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it may recommend the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

*Amendment*

Where the **Agency** has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it may recommend the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 1985**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 45 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Where the Board has reasons to suspect

*Amendment*

Where the Board has reasons to suspect

that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it **may recommend** the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it **shall request** the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

Or. en

#### **Amendment 1986**

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

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

#### **Article 45 – paragraph 1 – subparagraph 2**

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

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it **may recommend** the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

##### *Amendment*

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it **shall request** the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

Or. en

#### **Amendment 1987**

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

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

#### **Article 45 – paragraph 1 – subparagraph 2**

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

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least **three** Member States, it may recommend the Digital Services

##### *Amendment*

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least **four** Member States, it may recommend the Digital Services



Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

Or. en

*Justification*

*Such decisions should be based on the widest base of Member States, therefore four instead of three would be a correct number.*

**Amendment 1988**

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

**Proposal for a regulation**

**Article 45 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. A request or recommendation pursuant to paragraph 1 of this Article shall not preclude the possibility of Digital Services Coordinator of the Member State where the recipient of the service resides or is established, to be able to carry out its own investigation concerning a suspected infringement of this Regulation by a provider of an intermediary service.***

Or. en

**Amendment 1989**

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

**Proposal for a regulation**

**Article 45 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. A request ***or recommendation*** pursuant to paragraph 1 shall at least indicate:

2. A request pursuant to paragraph 1 shall at least indicate:

Or. en

**Amendment 1990**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 45 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. A request *or recommendation* pursuant to paragraph 1 shall at least indicate:

*Amendment*

2. A request pursuant to paragraph 1 shall at least indicate:

Or. en

**Amendment 1991**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 45 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Digital Services Coordinator that sent the request, or the **Board**, suspects that the provider infringed this Regulation;

*Amendment*

(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Digital Services Coordinator that sent the request, or the **Agency**, suspects that the provider infringed this Regulation;

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 1992**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 45 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) any other information that the Digital Services Coordinator that sent the request, or the **Board**, considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.

*Amendment*

(c) any other information that the Digital Services Coordinator that sent the request, or the **Agency**, considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 1993**

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

**Proposal for a regulation**  
**Article 45 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. A request or recommendation pursuant to paragraph 1 shall be at the same time as it is communicated to the Digital Services Coordinator of establishment be transmitted to the Commission. Where the Commission believes that the request or recommendation is unmerited or where the Commission is currently taking action on the same substantial matter, the Commission can ask for the request or recommendation to be withdrawn.***

Or. en

*Justification*

*In order to prevent actions that may not be in line with this regulation or other Union acts*

*and to prevent the potential doubling of efforts, the Commission should have the power to request that a request or recommendation is suspended.*

#### **Amendment 1994**

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

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

#### **Article 45 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. A recommendation pursuant to paragraphs 1 and 2 of this Article may additionally indicate:**

**(a) an opinion on matters that involve taking into account national law and socio-cultural context; and**

**(b) a draft decision based on investigation pursuant to paragraph 1a of this Article.**

Or. en

#### **Amendment 1995**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 45 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The Digital Services Coordinator of establishment shall take into utmost account the request ***or recommendation*** pursuant to paragraph 1. ***Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, or the Board, could provide additional information,*** it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

3. The Digital Services Coordinator of establishment shall take into utmost account the request pursuant to paragraph 1. ***If the request does not include the elements mentioned under 2 (a) and (b),*** it may request such information ***once***. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

**Amendment 1996**

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

**Proposal for a regulation**

**Article 45 – paragraph 3**

*Text proposed by the Commission*

3. The Digital Services Coordinator of establishment shall take into utmost account the request ***or recommendation*** pursuant to paragraph 1. Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, ***or*** the Board, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

*Amendment*

3. The Digital Services Coordinator of establishment shall take into utmost account the request pursuant to paragraph 1 ***and assess the matter in view of taking specific investigatory or enforcement measures to ensure compliance without undue delay.*** Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, ***and to*** the Board, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

**Amendment 1997**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 45 – paragraph 3**

*Text proposed by the Commission*

3. The Digital Services Coordinator of establishment shall take into utmost account the request or recommendation pursuant to paragraph 1. Where it considers that it has insufficient information to act upon the request or recommendation and

*Amendment*

3. The Digital Services Coordinator of establishment shall take into utmost account the request or recommendation pursuant to paragraph 1. Where it considers that it has insufficient information to act upon the request or recommendation and

has reasons to consider that the Digital Services Coordinator that sent the request, or the **Board**, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

has reasons to consider that the Digital Services Coordinator that sent the request, or the **Agency**, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

Or. en

### *Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

#### **Amendment 1998**

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

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

#### **Article 45 – paragraph 4**

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

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, **and** an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

##### *Amendment*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto **and a statement of reason in case of decision, following its investigation, not to take measures** to ensure compliance with this Regulation.

Or. en

#### **Amendment 1999**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation  
Article 45 – paragraph 4**

*Text proposed by the Commission*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the **Board**, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

*Amendment*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the **Agency**, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2000  
Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation  
Article 45 – paragraph 4**

*Text proposed by the Commission*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than **two months** following receipt of the request **or recommendation**, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures

*Amendment*

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than **one month** following receipt of the request, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures

taken or envisaged in relation thereto to ensure compliance with this Regulation.

taken or envisaged in relation thereto to ensure compliance with this Regulation.

Or. en

## Amendment 2001

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 45 – paragraph 5

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

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the **Commission**, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

##### *Amendment*

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the **Board**, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4. ***The Board shall resend the request set out in paragraph 1 to the Digital Services Coordinator of establishment. The Digital Services Coordinator of establishment shall assess the request and transmit its reply in accordance with the conditions set out in paragraphs 3 and 4.***

***If the Board, having drawn up a request involving at least three Member States or a request pursuant to the first subparagraph, has not received a reply by the deadline set out in paragraph 4, or if it does not agree with the assessment of the Digital Services Coordinator of establishment, it shall adopt a decision and shall transmit instructions to the Commission concerning the measures to be taken on the basis of that decision.***



**Amendment 2002**

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

**Proposal for a regulation****Article 45 – paragraph 5***Text proposed by the Commission*

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request *or recommendation* sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

*Amendment*

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission *and the Digital Services Coordinators*, providing all relevant information. That information shall include at least the request sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

Or. en

**Amendment 2003**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation****Article 45 – paragraph 5***Text proposed by the Commission*

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the *Board*, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer

*Amendment*

5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the *Agency*, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer

the matter to the *Commission*, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

the matter to the *Agency*, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

Or. en

#### *Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

#### **Amendment 2004**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 45 – paragraph 5**

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

5. Where the Digital Services Coordinator that sent the request, or, *where appropriate*, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

##### *Amendment*

5. Where the Digital Services Coordinator that sent the request, or the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.

Or. en

#### **Amendment 2005**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 45 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall ***assess the matter within three months following the referral of the matter*** pursuant to paragraph 5, ***after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, the Board.***

*Amendment*

6. The Commission shall ***carry out the instructions received*** pursuant to paragraph 5 ***without delay.***

Or. fr

**Amendment 2006**

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

**Proposal for a regulation**  
**Article 45 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, the Board.

*Amendment*

6. The Commission, ***in cooperation with the Digital Services Coordinators*** shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, the Board.

Or. en

**Amendment 2007**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 45 – paragraph 6**

*Text proposed by the Commission*

6. The ***Commission*** shall assess the

*Amendment*

6. The ***Agency*** shall assess the matter

matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment **and, unless it referred the matter itself, the Board.**

within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2008**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 45 – paragraph 6**

*Text proposed by the Commission*

6. The Commission shall assess the matter within **three** months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, **the Board.**

*Amendment*

6. **The Board or** the Commission shall assess the matter within **two** months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself.

Or. en

**Amendment 2009**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 45 – paragraph 7**

*Text proposed by the Commission*

7. **Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the**

*Amendment*

**deleted**

***Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.***

Or. fr

#### **Amendment 2010**

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

#### **Proposal for a regulation Article 45 – paragraph 7**

*Text proposed by the Commission*

7. Where, pursuant to ***paragraph 6***, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to ***further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.***

*Amendment*

7. Where, pursuant to ***paragraph 6***, the Commission ***in cooperation with the Digital Services Coordinators*** concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

***Where the Digital Services Coordinator of establishment fails to comply with the request to take the necessary measures before the end of the two months period, the Commission shall reallocate the case without delay to the Digital Services Coordinator initiating the request.***

Or. en

#### **Amendment 2011**

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

**Proposal for a regulation**  
**Article 45 – paragraph 7**

*Text proposed by the Commission*

7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

*Amendment*

7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request. ***This information shall be also transmitted to the Digital Services Coordinator or the Board that initiated the proceedings pursuant to paragraph 1.***

Or. en

**Amendment 2012**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 45 – paragraph 7**

*Text proposed by the Commission*

7. Where, pursuant to paragraph 6, the ***Commission*** concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

*Amendment*

7. Where, pursuant to paragraph 6, the ***Agency*** concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2013**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 45 – paragraph 7**

*Text proposed by the Commission*

7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to ***further assess the matter and*** take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within ***two months*** from that request.

*Amendment*

7. Where, pursuant to paragraph 6, the Commission ***or the Board*** concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within ***one month*** from that request.

Or. en

**Amendment 2014**

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

**Proposal for a regulation**

**Article 46 – title**

*Text proposed by the Commission*

Joint investigations and requests for Commission intervention

*Amendment*

Joint investigations, ***cooperation among Digital Services Coordinators*** and requests for Commission intervention

Or. en

**Amendment 2015**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 46 – title**

*Text proposed by the Commission*

*Amendment*

Joint investigations and requests for  
Commission intervention

Joint investigations and requests for  
Commission **or Board** intervention

Or. en

**Amendment 2016**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 46 – title**

*Text proposed by the Commission*

*Amendment*

Joint investigations and requests for  
**Commission** intervention

Joint investigations and requests for  
**Agency** intervention

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2017**

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

**Proposal for a regulation**

**Article 46 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Digital Services Coordinators may  
participate in joint investigations, which

Digital Services Coordinators may  
participate in joint investigations, which



may be coordinated with the support of the Board, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States.

may be coordinated with the support of the Board, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States. ***Such joint investigations shall be under the supervision of Digital Services Coordinator of establishment of the provider under investigation,***

Or. en

*Justification*

*During joint investigations, it is important to have a single entity organising and responsible for that investigation. Based on the governance structure, it is logical that that entity would be the DSC of establishment of the provider being investigated, especially as any physical investigation will likely take place on its territory.*

**Amendment 2018**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 46 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the **Board**, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States.

*Amendment*

Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the **Agency**, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2019**

**Alexandra Geese**

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

**Proposal for a regulation**

**Article 46 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Such joint investigations are without prejudice to the tasks and powers of the participating Digital Coordinators and the requirements applicable to the performance of those tasks and exercise of those powers provided in this Regulation. The participating Digital Services Coordinators shall make the results of the joint investigations available to other Digital Services Coordinators, *the Commission* and the *Board* through the system provided for in Article 67 for the fulfilment of their respective tasks under this Regulation.

*Amendment*

Such joint investigations are without prejudice to the tasks and powers of the participating Digital *Services* Coordinators and the requirements applicable to the performance of those tasks and exercise of those powers provided in this Regulation. The participating Digital Services Coordinators shall make the results of the joint investigations available to other Digital Services Coordinators and the *Agency* through the system provided for in Article 67 for the fulfilment of their respective tasks under this Regulation.

Or. en

*Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

**Amendment 2020**

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

**Proposal for a regulation**

**Article 46 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Where Digital Services Coordinator of the country of destination considers that an alleged infringement exist and causes serious harm to a large number of recipients of the service in that Member States, or could seriously affect their fundamental rights, it may request to the Commission to set up joint investigations between Digital Services Coordinator of country of establishment and the requesting Digital Services**

*Coordinator of country of destination.*

Or. en

**Amendment 2021**

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

**Proposal for a regulation**

**Article 46 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Commission, in cooperation with the Digital Services Coordinators, shall assess such request and following positive opinion of the Board shall set up a joint investigation where the Digital Services Coordinator of the country of destination can be entitled to exercise the following additional powers with respect to the provider of intermediary services concerned by the alleged infringement:***

***(a) to obtain access to the confidential version of the reports published by the intermediary service providers referred to in Article 13 and where applicable in Articles 23 and 24, as well as to the annual reports drawn up by the other competent authorities pursuant to Article 44;***

***(b) to obtain access to data collected by the Digital Services Coordinator of the country of establishment for the purpose of supervision of that provider on the territory of the Digital Services Coordinator of the country of destination;***

***(c) to initiate proceedings and assess the matter in view of taking specific investigatory or enforcement measures to ensure compliance, where the suspected seriousness of the infringement would require immediate response that would not allow for the provisions of Article 45 to apply; and***

***(d) to request interim measures, as***

*referred to in Article 41(2)(e).*

Or. en

### **Amendment 2022**

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

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

#### **Article 46 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***1c. The Commission decision setting up the joint investigation shall define a deadline by when Digital Services Coordinator of the country of establishment and Digital Services Coordinator launching the request pursuant to paragraph 2 shall agree on a common position on the joint investigation, and where applicable on the enforcement measures to be adopted. If no agreement is reached within this deadline, the case shall be referred to the Commission pursuant to Article 45(5).***

Or. en

### **Amendment 2023**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 46 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Where a Digital Services Coordinator of establishment ***has*** reasons to suspect that a very large online platform infringed this Regulation, it may request the Commission to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in

2. Where a Digital Services Coordinator of establishment ***or the Digital Services Coordinators of at least three Member States have*** reasons to suspect that a very large online platform infringed this Regulation, it may ***either*** request the Commission ***or the Board*** to take the necessary investigatory and enforcement measures ***or launch a joint investigation*** to

Article 45(2) and set out the reasons for requesting the Commission to intervene.

ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the Commission *or the Board* to intervene.

Or. en

**Amendment 2024**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 46 – paragraph 2**

*Text proposed by the Commission*

2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the **Commission** to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the **Commission** to *intervene*.

*Amendment*

2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the **Board** to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting *an intervention, on which the Board shall act by vote, transmitting the conclusions* to *the Commission*.

Or. fr

**Amendment 2025**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 46 – paragraph 2**

*Text proposed by the Commission*

2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform

*Amendment*

2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform

infringed this Regulation, it may request the **Commission** to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the **Commission** to intervene.

infringed this Regulation, it may request the **Agency** to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the **Agency** to intervene.

Or. en

#### *Justification*

*To align with suggested changes to Section 3, namely the introduction of an agency for VLOPs.*

#### **Amendment 2026**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

**Article 47 – title**

*Text proposed by the Commission*

European **Board for Digital Services**

*Amendment*

European **Platform Agency**

Or. en

#### **Amendment 2027**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

**Article 47 – title**

*Text proposed by the Commission*

European **Board for Digital Services**

*Amendment*

European **Platform Agency**

Or. en

**Amendment 2028**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 47 – paragraph 1**

*Text proposed by the Commission*

1. *An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established.*

*Amendment*

1. *In order to ensure the consistent application of this Regulation, the ‘European Board for Digital Services’ (the ‘Board’) is established as a body of the Union. The Board shall have legal personality. The board shall act independently when performing its task or exercising its powers. The board shall be represented by its Chair.*

Or. en

**Amendment 2029**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 47 – paragraph 1**

*Text proposed by the Commission*

1. *An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established.*

*Amendment*

1. *A body comprising the Digital Services Coordinators named ‘European Board for Digital Services’ (the ‘Board’) is established.*

Or. fr

**Amendment 2030**  
**Dita Charanzová, Andrus Ansip, Vlad-Marius Botoș, Claudia Gamon, Morten Løkkegaard, Svenja Hahn, Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 47 – paragraph 1**

*Text proposed by the Commission*

1. An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established.

*Amendment*

1. An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established ***and shall have legal personality.***

Or. en

*Justification*

*Most similar boards, including in the GDPR, have legal personality. Due to the importance of the decisions taken here, it should equally be the case.*

**Amendment 2031**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 47 – paragraph 1**

*Text proposed by the Commission*

1. An independent ***advisory group of Digital Services Coordinators on the supervision of*** providers of ***intermediary services*** named ‘European ***Board for Digital Services***’ (the ‘***Board***’) is established.

*Amendment*

1. An independent ***oversight body for*** providers of ***very large online platforms*** named ‘European ***Platform Agency***’ (the ‘***Agency***’) is established ***as a body of the Union and shall have legal personality.***

Or. en

**Amendment 2032**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 47 – paragraph 1 a (new)**



*Text proposed by the Commission*

*Amendment*

**1a.** *The Agency shall be responsible for all matters relating to the application and enforcement of this Regulation for very large online platforms, in accordance with the procedures laid out in Section 3 of this Regulation.*

Or. en

**Amendment 2033**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 47 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The Board shall ***advise the Digital Services Coordinators and the Commission in accordance with this Regulation to achieve the following objectives:***

2. The Board shall ***work together with the Commission to ensure the monitoring of providers of intermediary services and the application of this Regulation.***

Or. fr

**Amendment 2034**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 47 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The Board shall ***advise the Digital Services Coordinators and the Commission*** in accordance with this Regulation to achieve the following objectives:

2. The Board shall ***take decisions*** in accordance with this Regulation to achieve the following objectives:

Or. en

**Amendment 2035**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The **Board** shall advise the Digital Services Coordinators **and the Commission** in accordance with this Regulation to achieve the following objectives:

*Amendment*

2. The **Agency** shall advise the Digital Services Coordinators in accordance with this Regulation to achieve the following objectives:

Or. en

*Justification*

*To align with suggested changes to Paragraph 1 and Section 3 of Chapter IV.*

**Amendment 2036**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) **Contributing to the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators and the Commission with regard to matters covered by this Regulation;**

*Amendment*

**deleted**

Or. fr

**Amendment 2037**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) **Contributing to** the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators and the Commission with regard to matters covered by this Regulation;

(a) **Ensuring** the consistent application **across the Union** of this Regulation and effective cooperation of the Digital Services Coordinators and the Commission with regard to matters covered by this Regulation;

Or. en

#### **Amendment 2038**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

**Article 47 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) Contributing to the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators **and the Commission** with regard to matters covered by this Regulation;

(a) Contributing to the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators with regard to matters covered by this Regulation;

Or. en

#### *Justification*

*To align with suggested changes to Paragraph 1 and Section 3 of Chapter IV. To align with suggested changes to Paragraph 1.*

#### **Amendment 2039**

**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 47 – paragraph 2 – point a (new)**

*Text proposed by the Commission*

*Amendment*

(aa) **contributing to the effective**

*application of Article 3 of Directive  
2000/31/EC to prevent fragmentation of  
the digital single market;*

Or. en

**Amendment 2040**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) coordinating and contributing to  
guidance and analysis of the Commission  
and Digital Services Coordinators and  
other competent authorities on emerging  
issues across the internal market with  
regard to matters covered by this  
Regulation;*

*deleted*

Or. fr

**Amendment 2041**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) coordinating and **contributing to**  
guidance and analysis of the Commission  
and Digital Services Coordinators and  
other competent authorities on emerging  
issues across the internal market with  
regard to matters covered by this  
Regulation;

(b) coordinating and **providing**  
guidance and analysis of the Commission  
and Digital Services Coordinators and  
other competent authorities on emerging  
issues across the internal market with  
regard to matters covered by this  
Regulation;

Or. en

**Amendment 2042**  
**Alexandra Geese**

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

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) coordinating and contributing to guidance and analysis of the **Commission and** Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;

*Amendment*

(b) coordinating and contributing to guidance and analysis of the Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;

Or. en

*Justification*

*To align with suggested changes to Paragraph 1 and Section 3 of Chapter IV.*

**Amendment 2043**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) *assisting the Digital Services Coordinators and the Commission in the supervision of very large online platforms.*

*Amendment*

*deleted*

Or. fr

**Amendment 2044**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 47 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) assisting the Digital Services Coordinators and the Commission in the supervision of very large online platforms.** *deleted*

Or. en

*Justification*

*To align with suggested changes to Paragraph 1 and Section 3 of Chapter IV.*

**Amendment 2045**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 47 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. In so far as is necessary in order to achieve the objectives set out in this Regulation, and without prejudice to the competence of the Member States and of the Union institutions, the Agency may cooperate with the competent authorities of third countries and with international organisations.**

**To that end, the Agency may, subject to the authorisation of the Oversight Board and after the approval of the Commission, establish working arrangements with the competent authorities of third countries and with international organisations. Those arrangements shall not create legal obligations on the Union or the Member States.**

Or. en

**Amendment 2046**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 48 – title**

*Text proposed by the Commission*

*Amendment*

**Structure** of the Board

**Organisation** of the Board

Or. fr

**Amendment 2047**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 48 – title**

*Text proposed by the Commission*

*Amendment*

Structure of the **Board**

Structure of the **Agency**

Or. en

**Amendment 2048**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 48 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The **Board** shall be composed of the **Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.**

1. The **Agency** shall be composed of the **operating part of the Agency and an Oversight Board.**

**Amendment 2049**

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

**Proposal for a regulation  
Article 48 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator **shall** participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

*Amendment*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator **may** participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them. **Member State has more than one representative present, solely the final word of the Digital Services Coordinator shall be taken as the position of the Member State in question.**

*Justification*

*It must be clear the hierarchy of decision-making. The Digital Services Coordinator shall have the solely final decision, including on decisions taken without a vote.*

**Amendment 2050**

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

**Proposal for a regulation  
Article 48 – paragraph 1**

*Text proposed by the Commission*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where

*Amendment*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where



provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator, ***notably representatives of European regulatory networks of independent national regulatory authorities, bodies or both***, shall participate in the Board . Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Or. en

### **Amendment 2051**

**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 48 – paragraph 1**

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

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

##### *Amendment*

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them. ***The meeting is deemed valid when at least two third of the eligible members are present.***

Or. en

### **Amendment 2052**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 48 – paragraph 1**

*Text proposed by the Commission*

1. ***The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials.*** Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

*Amendment*

1. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.

Or. fr

**Amendment 2053**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 48 – paragraph 2**

*Text proposed by the Commission*

2. ***Each Member State shall have one vote. The Commission shall not have voting rights.***

***The Board shall adopt its acts by simple majority.***

*Amendment*

*deleted*

Or. en

**Amendment 2054**

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

**Proposal for a regulation**  
**Article 48 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Where a Member State has more than one representative present, solely the Digital Services Coordinator shall be able to vote.***

Or. en

*Justification*

*It must be clear the hierarchy of decision-making. The Digital Services Coordinator shall have the solely final decision, including on voting.*

**Amendment 2055**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***The Board shall adopt its acts by simple majority.***

***deleted***

Or. en

**Amendment 2056**

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

**Markus Buchheit**

on behalf of the ID Group

**Proposal for a regulation**

**Article 48 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The Board shall adopt its acts by simple majority.

The Board shall adopt its acts by simple majority. ***In the event of a tied vote, the vote shall be considered void and a new vote shall be held by the Board.***

Or. en

**Amendment 2057**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 48 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The Board shall adopt its acts by *simple* majority.

*Amendment*

The Board shall adopt *all* its acts by *qualified* majority.

Or. fr

**Amendment 2058**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 – paragraph 3**

*Text proposed by the Commission*

**3. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.**

*Amendment*

*deleted*

Or. en

**Amendment 2059**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 48 – paragraph 3**

*Text proposed by the Commission*

**3. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance the tasks of the**

*Amendment*

**3. The Board shall be chaired by a president elected within its members. The chair of the board shall not be allowed to lead any national regulatory office in**

Board pursuant to this Regulation and with its rules of procedure.

*their respective Member states at the same time. The chair mandate should be limited to a maximum of 3 years, renewable once. The chair of the Board shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.*

Or. en

**Amendment 2060**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 48 – paragraph 3**

*Text proposed by the Commission*

3. The Board shall be chaired by the Commission. *The Commission shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.*

*Amendment*

3. The Board shall be chaired by the Commission, *which shall provide the secretariat and administrative and analytical support for the Board's activities under this Regulation.*

*The Board member representing the Member State which holds the Council Presidency shall convene the meetings and prepare the agenda in coordination with the Commission.*

Or. fr

**Amendment 2061**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 48 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. The Board shall adopt its rules of procedure.*

Or. fr

**Amendment 2062**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 48 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.**

*deleted*

Or. en

**Amendment 2063**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 48 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.**

*deleted*

Or. fr

**Amendment 2064**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

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

*Text proposed by the Commission*

*Amendment*

**5. The *Board* may invite experts and observers to attend its meetings, and may**

**5. The *Agency* may invite experts and observers to attend its meetings, and may**

cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The **Board** shall make the results of this cooperation publicly available.

cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The **Agency** shall make the results of this cooperation publicly available.

Or. en

*Justification*

*To align with proposed changes to Article 47.*

**Amendment 2065**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 2066**

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

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 2067**

**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 48 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a. The Board shall, where appropriate, consult interested parties and give them the opportunity to comment within a reasonable period. The Board shall make the results of the consultation procedure publicly available.**

Or. en

*Justification*

*As the board will potentially adopt recommendations that directly affect selected companies or different whole sectors, it is only appropriate to allow interested parties to be consulted before adopting those recommendations.*

**Amendment 2068**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 48 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. The Board shall adopt its rules of procedure, following the consent of the Commission.** **deleted**

Or. fr

**Amendment 2069**

**Martin Schirdewan, Anne-Sophie Pelletier**



**Proposal for a regulation**  
**Article 48 – paragraph 6**

*Text proposed by the Commission*

6. The Board shall adopt its rules of procedure, *following the consent of the Commission.*

*Amendment*

6. The Board shall adopt its rules of procedure, *by a two-thirds majority of its members and shall organise its own operational arrangements.*

Or. en

**Amendment 2070**

**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 48 – paragraph 6**

*Text proposed by the Commission*

6. The Board shall adopt its rules of procedure, following the consent of the Commission.

*Amendment*

6. The Board shall adopt its rules of procedure *by a two-thirds majority of its members*, following the consent of the Commission.

Or. en

*Justification*

*As is the case with other similar boards, the rules of procedures should be adopted by more than a simple majority, but less than by unanimous decision.*

**Amendment 2071**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 48 – paragraph 6**

*Text proposed by the Commission*

6. The **Board** shall adopt its rules of procedure, *following the consent of the*

*Amendment*

6. The **Agency** shall adopt its rules of procedure.

*Commission.*

Or. en

*Justification*

*To align with proposed changes to Article 47 and to Section 3.*

**Amendment 2072**

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

**Proposal for a regulation**

**Article 48 – paragraph 6**

*Text proposed by the Commission*

6. The Board shall adopt its rules of procedure, ***following the consent of*** the Commission.

*Amendment*

6. The Board shall adopt its rules of procedure ***and inform*** the Commission ***thereof***.

Or. en

**Amendment 2073**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 48a***

***Independence of the Agency and combating fraud***

***1. When carrying out the tasks conferred upon it, the Agency shall act independently and objectively in the interests of the Union and the fundamental rights laid down in the Charter, regardless of any particular national or personal interests.***

***2. Without prejudice to coordination as referred to in Articles 45 and 46 and the inclusion of external expertise***

*referred to in Articles 45 paragraph 5 and 48 c (new) and Section 3, the Agency shall neither seek nor take instructions from any government, institution, corporation, person or body.*

*3. The Agency shall establish a public database documenting its exchanges with external stakeholders, particularly corporate and other financial interests. This database should be easily accessible and constantly available on the Agency's website and continuously updated. The Agency shall draw up an annual report on its activities under this Regulation. It shall make the annual reports available to the public, and shall communicate them to the Digital Services Coordinators, the Commission and the Parliament. The annual report shall include at least the following information:*

*(a) the number and subject matter of complaints and proceedings*

*(b) the number and subject matter of exchanges with representatives reported in the database established in paragraph 3.*

*(c) if applicable, findings and recommendations from the Advisory Forum on the topics mentioned in Article 48c(1).*

*4. In order to facilitate the fight against fraud, corruption and other illegal activities under Regulation (EU, Euratom) No.883/2013 of the European Parliament and of the Council, the Agency shall, within six months from the day that it becomes operational, accede to the Interinstitutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by OLAF and shall adopt appropriate provisions applicable to all employees of the Agency using the template set out in the Annex to that Agreement.*

**5. The Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot checks, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.**

**6. OLAF may carry out investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No.883/2013 of the European Parliament and of the Council and in Council Regulation (Euratom, EC) No. 2185/96.**

Or. en

#### *Justification*

*The Agency needs to be independent of corporate, national and other interests to fulfil its oversight role for very large online platforms. The Agency should have its own transparency registry and publish annual reports, which should include the year's lobbyist contacts.*

#### **Amendment 2074**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

**Article 48 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 48b**

#### **Oversight Board**

**1. The Oversight Board shall ensure that the Agency performs the tasks assigned to it in this Regulation, in accordance with the procedures laid out in Section 3.**

**2. The Oversight Board shall be**

*gender balanced and composed of 15 members. Five of the members shall represent Digital Services Coordinators. At least two of the members shall have their background in organisations representing consumers and at least two members shall have their background in human rights risk assessment. One member shall represent the Commission.*

*The members are appointed by the European Parliament in consultation with the Council from a gender-balanced list drawn up by the Commission which includes a number of candidates substantially higher than the number of members to be appointed.*

*The list drawn up by the Commission, accompanied by the relevant documentation, shall be forwarded to the European Parliament. As soon as possible and within three months of such communication, the Council may make its views available for consideration by the European Parliament, which will then appoint the Oversight Board.*

*The members of the Board shall be appointed in such a way as to secure the highest standards of competence and expertise covering a broad range of relevant fields, among them consumer protection, data protection, computer science, human rights, user experience and technology design, economics, sociology and law, covering a broad range of experiences and backgrounds and, consistent with these, the broadest possible geographic distribution within the Union.*

*Members of the Oversight Board cannot work for very large online platforms and must disclose any funding received by very large online platforms for previous work. Members need to provide written commitments not to work for very large online platforms or a professional organisation or business association of which the platform is a member for a period of three years after their position in*

*the Oversight Board.*

*3. Members' term of office shall be four years, and may be renewed once.*

*4. Unless otherwise provided, the Oversight Board shall act by a majority of its members.*

*5. The Oversight Board shall adopt its rules of procedure as well as adopt the Agency's internal rules. These rules shall be made public.*

*6. The Oversight Board shall elect one of its members as its Chair for a two-year period, which shall be renewable. The Chair shall represent the Oversight Board.*

*7. The Oversight Board shall meet at the invitation of the Chair or at the request of at least a third of its members.*

*8. The Oversight Board shall be supported by a Secretariat.*

Or. en

#### *Justification*

*The Agency needs a strong, independent oversight body to enforce the rules in this Regulation for very large online platforms. The Commission, while independent of national governments, is still a political body and thus not well-equipped to enforce this Regulation, also considering the potential conflict of interest when the Commission both drafts and enforces the rules for very large online platforms. Thus, the Agency will comprise an independent regulatory body that oversees very large online platforms.*

#### **Amendment 2075**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

**Article 48 c (new)**

*Text proposed by the Commission*

*Amendment*

*Article 48c*

*Budget of the Agency*

**1. Without prejudice to other resources and dues yet to be defined, revenue of the Agency shall include a Union subsidy entered in the general budget of the European Union and an annual supervisory fee on very large only platforms, as defined in Article 25.**

**2. The expenditure of the Agency shall cover staff, administrative and infrastructure expenditure, operating costs and expenditure associated with the functioning of the Advisory Forum, and the contracts and agreements concluded by the Agency in order to accomplish the tasks entrusted to it.**

**3. Revenue and expenditure shall be in balance.**

**4. The Agency shall levy an annual supervisory fee on very large online platforms, as defined in Article 25. The fee shall not exceed the costs incurred in relation to the supervisory tasks in relation to Articles 25 to 33 of this Regulation.**

**The Commission shall adopt delegated acts in accordance with Article 69 establishing calculation methods to determine the specific fee for each very large online platform as defined in Article 25 for the implementation of this Article.**

**This Article is without prejudice to the right of national competent authorities to levy fees in accordance with national law.**

**5. Each year, the Agency, based on the draft estimate of expenditure and revenue, shall draw up the estimate of its revenue and expenditure for the next financial year. The Agency shall, by 31 March, forward the statement of estimates, which shall include a draft establishment plan together with the provisional annual work programme, to the Commission. The statement of estimates shall be forwarded by the Commission to the European Parliament and to the Council (hereinafter the 'budgetary authority') together with the**

*draft general budget of the European Union. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 314 of the Treaty on the Functioning of the European Union. The budgetary authority shall authorise the appropriations for the subsidy to the Agency and shall adopt the establishment plan for the Agency.*

*6. The budget shall be adopted by the Agency. It shall become final following definitive adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly.*

*7. The Agency shall, as soon as possible, notify the budgetary authority of its intention to implement any project which will have significant financial implications for the funding of the budget.*

*8. Where a branch of the budgetary authority has notified its intention to deliver an opinion, it shall forward its opinion to the Agency within a period of six weeks from the date of notification of the project.*

Or. en

#### *Justification*

*The Agency requires a budget from the Union budget. Very large online platforms need to cover the costs of supervision of the Articles 25-33, which contain the obligations specifically for very large online platforms, through supervisory fees to the Agency. Just as in banking supervision, where the ECB directly oversees significant (particularly large, systemic) banks and these banks pay a supervisory fee to cover the costs of their supervision, see for example Regulation (EU) No 1163/2014 of the European Central Bank. These fees will not exceed the costs of supervision.*

**Amendment 2076**  
**Alexandra Geese**



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

**Proposal for a regulation**  
**Article 48 d (new)**

*Text proposed by the Commission*

*Amendment*

*Article 48d*

*Staff of the Agency*

- 1. The Staff Regulations of Officials of the European Union, the Conditions of Employment of Other Servants and the rules adopted jointly by the institutions of the Union for the purposes of the application of those Staff Regulations and Conditions of Employment shall apply to the staff employed by the Agency.*
- 2. The staff of the Agency shall consist of servants recruited by the Agency as necessary to perform its tasks. They shall have security clearances appropriate to the classification of the information they are handling.*
- 3. The Agency's internal rules, such as the rules of procedure of the Oversight Board, the financial rules applicable to the Agency, the rules for the application of the staff regulations and the rules for access to documents, shall ensure the autonomy and independence of staff.*

Or. en

**Amendment 2077**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 48 e (new)**

*Text proposed by the Commission*

*Amendment*

*Article 48e*

*Headquarters agreement and operating conditions*

- 1. The Agency shall be headquartered in Brussels, Belgium.*
- 2. The necessary arrangements concerning the accommodation to be provided for the Agency in the host Member State, together with the specific rules applicable in the host Member State to the members of the Oversight Board, staff and members of their families, shall be laid down in a Headquarters agreement between the Agency and the Member State where the seat is located, to be concluded after obtaining the approval of the Management Board and no later than one year after this regulation enters into force.*
- 3. The Agency's host Member State shall provide the best possible conditions to ensure the smooth and efficient functioning of the Agency, including multilingual, European-oriented schooling and appropriate transport connections.*

Or. en

*Justification*

*A decision on the location of the headquarter of the new agency will have to be taken.*

**Amendment 2078**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 48 f (new)**

*Text proposed by the Commission*

*Amendment*

*Article 48f*

*Commencement of the Agency's activities*

- 1. The Agency shall become operational with the capacity to*

*implement its own budget by the date on which this regulation enters into application.*

*2. The Commission shall be responsible for the establishment and initial operation of the Agency until the Agency becomes operational. For that purpose, until the Oversight Board takes up its duties following its appointment, the Commission may designate five Commission officials to act as an interim Oversight Board.*

Or. en

*Justification*

*To allow for a speedy set-up of the Agency, the Commission can initially fulfil some of the operational tasks of the Agency.*

**Amendment 2079**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 49 – title**

*Text proposed by the Commission*

*Amendment*

Tasks of the **Board**

**Coordinatory** tasks of the **Agency**

Or. en

**Amendment 2080**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 49 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Where necessary to meet the objectives set out in Article 47(2), the

1. Where necessary to meet the objectives set out in Article 47(2), the

**Board** shall in particular:

**Agency** shall in particular:

Or. en

**Amendment 2081**

**Karen Melchior**

**Proposal for a regulation**

**Article 49 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) continually develop guidance and best practices for the development and design of interfaces to minimise dark patterns;*

Or. en

**Amendment 2082**

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

**Proposal for a regulation**

**Article 49 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) issue specific recommendations for the implementation of Article 27 and advise on possible application of sanctions in case of repeated non-compliance;*

Or. en

**Amendment 2083**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 49 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) convene regular joint meetings of all Digital Service Coordinators for them to exchange on and coordinate their supervisory activities;**

Or. en

**Amendment 2084**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 49 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;**

**deleted**

Or. en

**Amendment 2085**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 49 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;**

**(d) decide on the measures to be taken under Articles 51, 55, 56, 57, 58, 59 and 60 of this Regulation.**

**Amendment 2086**

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

**Proposal for a regulation**

**Article 49 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) advise the Commission to take the measures referred to in Article 51 and, **where requested by the Commission**, adopt opinions on **draft Commission measures** concerning very large online platforms in accordance with this Regulation;

*Amendment*

(d) advise the Commission to take the measures referred to in Article 51 and, adopt opinions on **issues** concerning very large online platforms in accordance with this Regulation;

Or. en

**Amendment 2087**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 49 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) **advise the Commission** to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;

*Amendment*

(d) **decide** to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;

Or. en

**Amendment 2088**

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

**Proposal for a regulation**

**Article 49 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) monitor derogations from the internal market clause in accordance with Article 3 of Directive 2000/31/EC and ensure that the conditions for derogation are interpreted strictly and narrowly to ensure consistent application of this Regulation;***

Or. en

**Amendment 2089**

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

**Proposal for a regulation**

**Article 49 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts as provided for in this Regulation, as well as the identification of emerging issues, with regard to matters covered by this Regulation.

(e) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts ***in close collaboration with relevant stakeholders*** as provided for in this Regulation, as well as the identification of emerging issues, with regard to matters covered by this Regulation.

Or. en

**Amendment 2090**

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

**Proposal for a regulation**

**Article 49 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) issue opinions, recommendations or advice on matters related to Article 34.***

**Amendment 2091**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 49 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Digital Services Coordinators and other national competent authorities that do not follow the opinions, requests or recommendations addressed to them adopted by the Board shall provide the reasons for this choice when reporting pursuant to this Regulation or when adopting their relevant decisions, as appropriate.**

**deleted**

Or. fr

**Amendment 2092**

**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 49 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 49a**

**Reports**

**1. The Board shall draw up an annual report regarding its actions. The report shall be made public and be transmitted to the European Parliament, to the Council and to the Commission in all official languages of the Member States.**

**2. The annual report shall include, among other information, a review of the practical application of the opinions, guidelines, recommendations advice and**



*any other measures taken under Article 49(1).*

Or. en

*Justification*

*The Board should be required to produce an annual reports as to its actions.*

**Amendment 2093**

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

**Proposal for a regulation**

**Article 49 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 49b**

**Confidentiality**

- 1. The discussions of the Board shall be confidential where the Board deems it necessary, as provided for in its rules of procedure.**
- 2. Access to documents submitted to members of the Board, experts and representatives of third parties shall be governed by Regulation (EC) No 1049/2001 of the European Parliament and of the Council.**

Or. en

*Justification*

*As the board will discuss matters that directly relate to the core of many businesses, it is only correct that its actions should take into consideration the need for confidentiality of conversations and any documents provided to the board.*

**Amendment 2094**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 50 – title**

*Text proposed by the Commission*

**Enhanced** supervision for very large online platforms

*Amendment*

Supervision for very large online platforms

Or. en

**Amendment 2095**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 50 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

***Where the Digital Services Coordinator of establishment adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.***

*Amendment*

***The Agency is tasked with supervising very large online platforms in regard to the provisions of Section 4 of Chapter III.***

Or. en

*Justification*

*The supervision of VLOPs shall lie with the Agency.*

**Amendment 2096**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 50 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where the Digital Services Coordinator of

*Amendment*

Where the Digital Services Coordinator of

establishment adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. ***It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.***

establishment adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. The Board, ***this acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, shall, where it has reasons to suspect that a very large online platform infringed any of those provisions, make use of the enhanced supervision system laid down in this article.***

Or. en

**Amendment 2097**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, may, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.

*Amendment*

***The Digital Services Coordinator of the Member State concerned acting on its own initiative***, the Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, may, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.

Or. fr

**Amendment 2098**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The **Commission** acting on its own initiative, **or the Board acting on its own initiative** or upon request of at least three Digital Services Coordinators of destination, may, where it has reasons to suspect that a very large online platform infringed any of **those** provisions, **recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.**

*Amendment*

The **Agency** acting on its own initiative, or upon request of at least three Digital Services Coordinators of destination, may, where it has reasons to suspect that a very large online platform infringed any of **the provisions of Section 4 of Chapter III**, investigate the suspected infringement **and communicate this decision to the very large online platform concerned.**

Or. en

*Justification*

*The supervision of VLOPs shall lie with the Agency.*

**Amendment 2099**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Katalin Cseh**

**Proposal for a regulation**  
**Article 50 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, **may**, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within **a reasonable time**

*Amendment*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, **shall**, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision **without undue delay and**

*period.*

*in any event within two months.*

Or. en

#### **Amendment 2100**

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

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

#### **Article 50 – paragraph 1 – subparagraph 2**

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

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *may*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.

##### *Amendment*

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *shall*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.

Or. en

#### **Amendment 2101**

**Jean-Lin Lacapelle, Virginie Joron**

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

#### **Article 50 – paragraph 2**

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

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that

##### *Amendment*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the *Digital Services Coordinator of the Member State*

decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. *The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.*

*concerned, the* Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement.

Or. fr

#### **Amendment 2102**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

#### **Article 50 – paragraph 2**

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

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the *Digital Services Coordinator of establishment* shall request *it* to draw up and communicate to the *Digital Services Coordinator of establishment, the Commission and the Board*, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.

##### *Amendment*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the *Agency* shall request *the very large online platform* to draw up and communicate to the *Agency*, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.

Or. en

#### **Amendment 2103**

**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 50 – paragraph 2**

*Text proposed by the Commission*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may **include**, where appropriate, participation in a code of conduct as provided for in Article 35.

*Amendment*

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may **recommend**, where appropriate, participation in a code of conduct as provided for in Article 35.

Or. en

**Amendment 2104**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 50 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Within one month following receipt of the action plan, the Board **shall communicate its opinion on the action plan to the Digital Services Coordinator of establishment. Within one month following receipt of that opinion, that Digital Services Coordinator** shall decide whether the action plan is appropriate to terminate or remedy the infringement.

*Amendment*

Within one month following receipt of the action plan, the Board shall decide whether the action plan is appropriate to terminate or remedy the infringement.

Or. en

**Amendment 2105**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 50 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Within one month following receipt of the action plan, the **Board shall communicate its opinion on the action plan to the Digital Services Coordinator of establishment. Within one month following receipt of that opinion, that Digital Services Coordinator** shall decide whether the action plan is appropriate to terminate or remedy the infringement.

*Amendment*

Within one month following receipt of the action plan, the **Agency** shall decide whether the action plan is appropriate to terminate or remedy the infringement.

Or. en

**Amendment 2106**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 50 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request **the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).**

*Amendment*

Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request that the **Board reconsider the matter. The Board shall adopt a decision, in the light of which it may or may not exercise the powers set out in Articles 51, 55, 56, 57, 58, 59 and 60.**

Or. fr



## Amendment 2107

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Article 50 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

Where the **Digital Services Coordinator of establishment** has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to **that Digital Services Coordinator, the Commission and the Board** within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the **Digital Services Coordinator** may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

*Amendment*

Where the **Agency** has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to **the Agency** within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the **Agency** may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

Or. en

## Amendment 2108

Jean-Lin Lacapelle, Virginie Joron

### Proposal for a regulation

#### Article 50 – paragraph 4

*Text proposed by the Commission*

**4. The Digital Services Coordinator of establishment shall communicate to the Commission, the Board and the very large online platform concerned its views as to whether the very large online platform**

*Amendment*

**deleted**

*has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:*

*(a) within one month from the receipt of the audit report referred to in the second subparagraph of paragraph 3, where such an audit was performed;*

*(b) within three months from the decision on the action plan referred to in the first subparagraph of paragraph 3, where no such audit was performed;*

*(c) immediately upon the expiry of the time period set out in paragraph 2, where that platform failed to communicate the action plan within that time period.*

*Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.*

Or. fr

#### **Amendment 2109**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

#### **Article 50 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

4. The **Digital Services Coordinator of establishment** shall communicate to **the Commission, the Board and** the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as

*Amendment*

4. The **Agency** shall communicate to the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

applicable:

Or. en

#### **Amendment 2110**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 50 – paragraph 4 – subparagraph 1 – introductory part**

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

4. The **Digital Services Coordinator of establishment** shall communicate to the Commission, **the Board** and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

##### *Amendment*

4. The **Board** shall communicate to the Commission and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

Or. en

#### **Amendment 2111**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 50 – paragraph 4 – subparagraph 1 – point b**

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

(b) within **three** months from the decision on the action plan referred to in the first subparagraph of paragraph 3, where no such audit was performed;

##### *Amendment*

(b) within **one** months from the decision on the action plan referred to in the first subparagraph of paragraph 3, where no such audit was performed;

Or. en

#### **Amendment 2112**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 50 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.*

*deleted*

Or. en

**Amendment 2113**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 50 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.

Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission ***or the Board.***

Or. en

**Amendment 2114**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 51 – title**

*Text proposed by the Commission*

*Amendment*

Intervention by the Commission and opening of proceedings

Intervention by the Commission and **the Board and** opening of proceedings

Or. en

**Amendment 2115**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 51 – title**

*Text proposed by the Commission*

*Amendment*

**Intervention by the Commission and** opening of proceedings

Opening of proceedings

Or. en

*Justification*

*The supervision of VLOPs shall lie with the Agency.*

**Amendment 2116**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 51 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The Commission, acting either upon the Board's **recommendation** or on its own initiative after consulting the Board, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

1. The Commission, acting either upon the Board's **instructions** or on its own initiative after consulting the Board, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that **is suspected of infringing one of the provisions of this Regulation.**

Or. fr

## Amendment 2117

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

### Proposal for a regulation

#### Article 51 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. The **Commission**, acting either upon the **Board's** recommendation or on its own initiative after consulting the **Board**, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

*Amendment*

1. The **Agency** may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

## Amendment 2118

Martin Schirdewan, Anne-Sophie Pelletier

### Proposal for a regulation

#### Article 51 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. The Commission, acting either upon the **Board's** recommendation or on its own initiative after consulting the **Board**, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

*Amendment*

1. The Commission **or the Board**, acting either upon the recommendation of **at least three Digital Services Coordinators of destination** or on **their** own initiative, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

## Amendment 2119

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

## Proposal for a regulation

### Article 51 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, **may** initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

#### *Amendment*

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, **shall** initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

## Amendment 2120

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Susana Solís Pérez, Dragoș Pîslaru, Katalin Cseh**

## Proposal for a regulation

### Article 51 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, **may** initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

#### *Amendment*

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, **shall** initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

## Amendment 2121

**Jean-Lin Lacapelle, Virginie Joron**

## Proposal for a regulation

### Article 51 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

**(a) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment did not take any investigatory or enforcement measures, pursuant to the request of the Commission referred to in Article 45(7), upon the expiry of the time period set in that request;**

**deleted**

Or. fr

**Amendment 2122**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the Commission to intervene in accordance with Article 46(2), upon the reception of that request;**

**deleted**

Or. fr

**Amendment 2123**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the Commission to intervene in accordance with Article 46(2), upon the reception of that request;**

**(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the *Board or the* Commission to intervene in accordance with Article 46(2), upon the reception of**



that request;

Or. en

**Amendment 2124**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 51 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the **Commission** to intervene in accordance with Article 46(2), upon the reception of that request;

*Amendment*

(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the **Agency** to intervene in accordance with Article 46(2), upon the reception of that request;

Or. en

**Amendment 2125**

**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**

**Article 51 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) *has been found to have infringed any of the provisions of Section 4 of Chapter III, upon the expiry of the relevant time period for the communication referred to in Article 50(4).*

*Amendment*

*deleted*

Or. fr

**Amendment 2126**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 51 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) has been found to not implement the operational recommendations from the independent audit as laid out in Article 28(4).*

Or. en

**Amendment 2127**

**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 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Where the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned. *If the Commission decides not to initiate proceedings pursuant to paragraph 1, it shall inform the Board in writing of its reasons.*

Or. en

**Amendment 2128**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services

Where *the Board or* the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital

Coordinators, the Board and the very large online platform concerned.

Services Coordinators, the Board and the very large online platform concerned.

Or. en

#### **Amendment 2129**

**Jean-Lin Lacapelle, Virginie Joron**

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

#### **Article 51 – paragraph 2 – subparagraph 1**

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

Where the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

##### *Amendment*

Where the Commission *initiates or* decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Or. fr

#### **Amendment 2130**

**Karen Melchior, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Ivars Ijabs, Anna Júlia Donáth, Olivier Chastel, Fabienne Keller, Petras Auštrevičius, Irène Tolleret, Ramona Strugariu, Barry Andrews, Katalin Cseh**

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

#### **Article 51 – paragraph 2 – subparagraph 1**

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

*Where* the Commission *decides to initiate* proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

##### *Amendment*

*When* the Commission *initiates* proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Or. en

#### **Amendment 2131**

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

**Proposal for a regulation**  
**Article 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

**Where** the Commission **decides to initiate** proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

*Amendment*

**When** the Commission **initiates** proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Or. en

**Amendment 2132**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 51 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Where the **Commission** decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, **the Board** and the very large online platform concerned.

*Amendment*

Where the **Agency** decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators and the very large online platform concerned.

Or. en

**Amendment 2133**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 51 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

**As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator of establishment concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online**

*Amendment*

**deleted**

*platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.*

Or. fr

**Amendment 2134**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 51 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator of establishment concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to **Article 66 or any other** measures that it may take at the request of the **Commission**.

*Amendment*

As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator of establishment concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to **any** measures that it may take at the request of the **Agency**.

Or. en

**Amendment 2135**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**

**Article 51 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The Digital Services Coordinator referred to in Articles 45(7), 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the **Commission**:

*Amendment*

3. The Digital Services Coordinator referred to in Articles 45(7), 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the **Agency**:

**Amendment 2136**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 51 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The Digital Services Coordinator referred to in Articles 45(7), 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the Commission:

*Amendment*

3. The Digital Services Coordinator referred to in Articles 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the Commission:

Or. fr

**Amendment 2137**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 51 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) any information that that Digital Services Coordinator exchanged relating to the infringement or the suspected infringement, as applicable, with the **Board and with the** very large online platform concerned;

*Amendment*

(a) any information that that Digital Services Coordinator exchanged relating to the infringement or the suspected infringement, as applicable, with the very large online platform concerned;

Or. en

**Amendment 2138**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 51 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

(c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the **Commission**.

(c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the **Agency**.

Or. en

#### **Amendment 2139**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

##### **Article 51 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. **The Board, and** the Digital Services Coordinators making the request referred to in Article 45(1), shall, without undue delay upon being informed, transmit to the Commission any information in their possession that may be relevant to the proceedings initiated by the **Commission**.

4. The Digital Services Coordinators making the request referred to in Article 45(1), shall, without undue delay upon being informed, transmit to the Commission any information in their possession that may be relevant to the proceedings initiated by the **Agency**.

Or. en

#### **Amendment 2140**

**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 51 a (new)**

*Text proposed by the Commission*

*Amendment*

##### **Article 51a**

##### **Requirements for the Commission**

**1. The Commission shall perform its tasks under this Regulation in an impartial, transparent and timely manner.**

*The Commission shall ensure that its units given responsibility for this regulation have the adequate technical, financial and human resources to carry out their tasks.*

*2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Commission shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any other public authority or any private party.*

Or. en

#### *Justification*

*Similar to competition policy, it is vital that the Commission acts in an apolitical manner and that decisions are not effected by other priorities of the Commission or the influence of outside bodies, be it other EU institutions, Member States or anyone else.*

#### **Amendment 2141**

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

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

#### **Article 52 – paragraph 1**

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

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

##### *Amendment*

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, ***their legal representatives***, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.



**Amendment 2142****Martin Schirdewan, Anne-Sophie Pelletier****Proposal for a regulation****Article 52 – paragraph 1***Text proposed by the Commission*

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

*Amendment*

1. In order to carry out the tasks assigned to it under this Section, the Commission **and the Board** may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

Or. en

**Amendment 2143****Jean-Lin Lacapelle, Virginie Joron****Proposal for a regulation****Article 52 – paragraph 1***Text proposed by the Commission*

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including

*Amendment*

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including

organisations performing the *audits* referred to in *Articles 28 and 50(3)*, to provide such information within a reasonable time period.

organisations performing the *audit* referred to in *Article 28*, to provide such information within a reasonable time period.

Or. fr

#### **Amendment 2144**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

#### **Article 52 – paragraph 1**

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

1. In order to carry out the tasks assigned to it under this Section, the *Commission* may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

##### *Amendment*

1. In order to carry out the tasks assigned to it under this Section, the *Agency* may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

Or. en

#### **Amendment 2145**

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

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

#### **Article 52 – paragraph 2**

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

2. When sending a simple request for information to the very large online platform concerned or other person

##### *Amendment*

2. When sending a simple request for information to the very large online platform concerned or other person

referred to in Article 52(1), the Commission shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.

referred to in Article 52(1), the Commission shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information. ***The purpose shall include reasoning on why and how the information is necessary, proportionality to the purpose and cannot be received by other means.***

Or. en

### *Justification*

*The Commission should provide not only a reason for a request but why they cannot get the information some other way and why it is a proportion request. The Commission should not be able to make unlimited requests.*

### **Amendment 2146**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

### **Proposal for a regulation**

#### **Article 52 – paragraph 2**

#### *Text proposed by the Commission*

2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the ***Commission*** shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.

#### *Amendment*

2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the ***Agency*** shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.

Or. en

**Amendment 2147**  
**Jean-Lin Lacapelle, Virginie Joron**

**Proposal for a regulation**  
**Article 52 – paragraph 3**

*Text proposed by the Commission*

3. Where the Commission requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.

*Amendment*

3. Where the Commission requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision ***adversely affecting it which was taken under this Article*** reviewed by the Court of Justice of the European Union.

Or. fr

**Amendment 2148**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 52 – paragraph 3**

*Text proposed by the Commission*

3. Where the Commission requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court

*Amendment*

3. Where the Commission ***or the Board*** requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision

of Justice of the European Union.

reviewed by the Court of Justice of the European Union.

Or. en

#### **Amendment 2149**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

##### **Article 52 – paragraph 3**

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

3. Where the *Commission* requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.

###### *Amendment*

3. Where the *Agency* requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.

Or. en

#### **Amendment 2150**

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

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

##### **Article 52 – paragraph 4**

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

4. The owners of the very large online platform concerned or other person referred to in Article 52(1) or their representatives and, in the case of legal persons, companies or firms, or where they

###### *Amendment*

4. The owners of the very large online platform concerned or other person referred to in Article 52(1) or their representatives and, in the case of legal persons, companies or firms, or where they

have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested on behalf of the very large online platform concerned or other person referred to in Article 52(1).

***Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.***

have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested on behalf of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

#### *Justification*

*This is not needed as a very large online platform can have their lawyer serve as their "representative" per the first half of the sentence. Moreover a lawyer is responsible for their own actions but cannot be held responsible for those of their client, including providing potentially false information to the lawyer.*

#### **Amendment 2151**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 52 – paragraph 5**

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

5. At the request of the Commission, the Digital Services Coordinators and other competent authorities shall provide the Commission with all necessary information to carry out the tasks assigned to it under this Section.

##### *Amendment*

5. At the request of the Commission ***or the Board***, the Digital Services Coordinators and other competent authorities shall provide the Commission ***or the Board*** with all necessary information to carry out the tasks assigned to it under this Section.

Or. en

#### **Amendment 2152**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

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

#### **Article 52 – paragraph 5**

*Text proposed by the Commission*

5. At the request of the **Commission**, the Digital Services Coordinators and other competent authorities shall provide the **Commission** with all necessary information to carry out the tasks assigned to it under this Section.

*Amendment*

5. At the request of the **Agency**, the Digital Services Coordinators and other competent authorities shall provide the **Agency** with all necessary information to carry out the tasks assigned to it under this Section.

Or. en

**Amendment 2153**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 53 – paragraph 1**

*Text proposed by the Commission*

In order to carry out the tasks assigned to it under this Section, the Commission may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

*Amendment*

In order to carry out the tasks assigned to it under this Section, the Commission **and the Board** may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

Or. en

**Amendment 2154**

**Alexandra Geese**

on behalf of the Greens/EFA Group

**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 53 – paragraph 1**

*Text proposed by the Commission*

In order to carry out the tasks assigned to it under this Section, the **Commission** may interview any natural or legal person which consents to being interviewed for the

*Amendment*

In order to carry out the tasks assigned to it under this Section, the **Agency** may interview any natural or legal person which consents to being interviewed for the

purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

Or. en

#### **Amendment 2155**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit**  
on behalf of the ID Group

#### **Proposal for a regulation** **Article 54**

*Text proposed by the Commission*

*Amendment*

#### *Article 54*

*deleted*

#### *Power to conduct on-site inspections*

- 1. In order to carry out the tasks assigned to it under this Section, the Commission may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).*
- 2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 57(2).*
- 3. During on-site inspections the Commission and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).*
- 4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of*



***the Commission. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.***

Or. en

**Amendment 2156**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 54 – paragraph 1**

*Text proposed by the Commission*

1. In order to carry out the tasks assigned to it under this Section, the Commission may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

*Amendment*

1. In order to carry out the tasks assigned to it under this Section, the Commission ***or the Board*** may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

**Amendment 2157**  
**Alexandra Geese**  
on behalf of the Greens/EFA Group  
**Rasmus Andresen, Kim Van Sparrentak**

**Proposal for a regulation**  
**Article 54 – paragraph 1**

*Text proposed by the Commission*

1. In order to carry out the tasks assigned to it under this Section, the ***Commission*** may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

*Amendment*

1. In order to carry out the tasks assigned to it under this Section, the ***Agency*** may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

**Amendment 2158**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 54 – paragraph 2**

*Text proposed by the Commission*

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 57(2).

*Amendment*

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission *or the Board* pursuant to Article 57(2).

Or. en