



2020/0361(COD)

8.7.2021

AMENDMENT 2159 - 2297

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 2159

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

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 **Agency** pursuant to Article 57(2).

Or. en

Amendment 2160

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 54 – paragraph 3

Text proposed by the Commission

3. During on-site inspections the Commission and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).

Amendment

3. During on-site inspections the Commission **or the Board** and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The 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).

Or. en

Amendment 2161

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 54 – paragraph 3

Text proposed by the Commission

3. During on-site inspections the **Commission** and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The **Commission** and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).

Amendment

3. During on-site inspections the **Agency** 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 **Agency** and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).

Or. en

Amendment 2162
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 54 – paragraph 4

Text proposed by the Commission

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

Amendment

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the Commission **or the Board**. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

Or. en

Amendment 2163
Alexandra Geese

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

Proposal for a regulation
Article 54 – paragraph 4

Text proposed by the Commission

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the **Commission**. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

Amendment

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the **Agency**. 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 2164

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

Proposal for a regulation
Article 55 – paragraph 1

Text proposed by the Commission

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Amendment

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order **proportionate** interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement, **without prejudice to fundamental rights**.

Or. en

Amendment 2165

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 55 – paragraph 1

Text proposed by the Commission

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Amendment

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, **and after consulting the Board**, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Or. en

Amendment 2166

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation Article 55 – paragraph 1

Text proposed by the Commission

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Amendment

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission **and the Board** may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Or. fr

Amendment 2167

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 55 – paragraph 1

Text proposed by the Commission

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Amendment

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission **or the Board** may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Or. en

Amendment 2168

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 55 – paragraph 1

Text proposed by the Commission

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the **Commission** may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Amendment

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the **Agency** may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

Or. en

Amendment 2169

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 56

Text proposed by the Commission

Amendment

Article 56

deleted

Commitments

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

2. The Commission may, upon request or on its own initiative, reopen the proceedings:

(a) where there has been a material change in any of the facts on which the decision was based;

(b) where the very large online platform concerned acts contrary to its commitments; or

(c) where the decision was based on incomplete, incorrect or misleading information provided by the very large online platform concerned or other person referred to in Article 52(1).

3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

Or. en

Amendment 2170
Evžen Tošenovský

Proposal for a regulation
Article 56

Text proposed by the Commission

Amendment

Article 56

deleted

Commitments

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

2. The Commission may, upon request or on its own initiative, reopen the proceedings:

(a) where there has been a material change in any of the facts on which the decision was based;

(b) where the very large online platform concerned acts contrary to its commitments; or

(c) where the decision was based on incomplete, incorrect or misleading information provided by the very large online platform concerned or other person referred to in Article 52(1).

3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

Or. en

Amendment 2171

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

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

Amendment

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may, by decision **and after consulting the Board**, make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

Or. en

Amendment 2172
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may **by decision make those commitments binding on the very large online platform concerned** and **declare** that there are no further grounds for action.

Amendment

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may **submit to the Board a decision making those commitments binding and declaring** that there are no further grounds for action.

Or. fr

Amendment 2173
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the **Commission** may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

Amendment

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the **Agency** may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.

Or. en

Amendment 2174

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 56 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission may, upon **request** or on its own initiative, reopen the proceedings:

Amendment

2. The Commission may, upon **instruction by the Board** or on its own initiative, reopen the proceedings:

Or. fr

Amendment 2175

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 56 – paragraph 2 – introductory part

Text proposed by the Commission

2. The **Commission** may, upon request or on its own initiative, reopen the proceedings:

Amendment

2. The **Agency** may, upon request or on its own initiative, reopen the proceedings:

Or. en

Amendment 2176

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 56 – paragraph 3

Text proposed by the Commission

3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

Amendment

3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision, ***in agreement with the Board***, when concluding the proceedings.

Or. en

Amendment 2177

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation Article 56 – paragraph 3

Text proposed by the Commission

3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision ***when concluding the proceedings***.

Amendment

3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall ***submit to the Board a decision to*** reject those commitments in a reasoned decision.

Or. fr

Amendment 2178

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

Proposal for a regulation
Article 56 – paragraph 3

Text proposed by the Commission

3. Where the **Commission** considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

Amendment

3. Where the **Agency** considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

Or. en

Amendment 2179
Karen Melchior, Anna Júlia Donáth

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Amendment

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor **and audit** the effective implementation and compliance with this Regulation **and the Charter of Fundamental Rights** by the very large online platform concerned, **including the operation of any algorithm in the provision of its services**. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Or. en

Amendment 2180
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Amendment

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission **and the Board** may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission **and the Board** may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Or. en

Amendment 2181

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Amendment

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission **and the Board** may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Or. fr

Amendment 2182

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

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide **access to, and** explanations relating to, its databases and algorithms.

Amendment

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide explanations relating **to, and where necessary access** to, its databases and algorithms.

Or. en

Amendment 2183

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 57 – paragraph 1

Text proposed by the Commission

1. For the purposes of carrying out the tasks assigned to it under this Section, the **Commission** may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The **Commission** may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Amendment

1. For the purposes of carrying out the tasks assigned to it under this Section, the **Agency** may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The **Agency** may also order that platform to provide access to, and explanations relating to, its databases and algorithms.

Or. en

Amendment 2184

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the Commission.

Amendment

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission **and the Board** in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the Commission **and the Board** .

Or. en

Amendment 2185

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 57 – paragraph 2

Text proposed by the Commission

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the **Commission** in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the **Commission**.

Amendment

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the **Agency** in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the **Agency** .

Or. en

Amendment 2186

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 57 a (new)

Text proposed by the Commission

Amendment

Article 57a

Right to lodge a complaint with the Agency

Article 43 shall also be applicable to complaints with the Agency in regard to its oversight and enforcement over the provisions of Section 4 of Chapter III.

Or. en

Justification

To align with Article 43 and not leave gaps for recipients and their representatives due to the new proposed enforcement structure.

Amendment 2187

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 58 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

Amendment

1. The Commission shall adopt a non-compliance decision, ***after consulting the Board***, where it finds that the very large online platform concerned does not comply with one or more of the following:

Or. en

Amendment 2188

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

Amendment

1. The Commission ***and the Board*** shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

Amendment 2189

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

1. The **Commission** shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

Amendment

1. The **Agency** shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

Or. en

Amendment 2190

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 58 – paragraph 1 – introductory part

Text proposed by the Commission

1. The **Commission** shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

Amendment

1. The **Board** shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:

Or. fr

Amendment 2191

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 58 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) commitments made binding pursuant to Article 56,

deleted

Or. en

Amendment 2192

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation Article 58 – paragraph 2

Text proposed by the Commission

Amendment

2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the Commission shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

2. Before adopting the decision pursuant to paragraph 1, the Commission **or the Board** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the Commission **or the Board** shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

Or. en

Amendment 2193

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation Article 58 – paragraph 2

Text proposed by the Commission

Amendment

2. Before adopting the decision pursuant to paragraph 1, the **Commission** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the **Commission** shall explain the measures

2. Before adopting the decision pursuant to paragraph 1, the **Agency** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the **Agency** shall explain the measures that it considers

that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

Or. en

Amendment 2194
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 58 – paragraph 2

Text proposed by the Commission

2. Before adopting the decision pursuant to paragraph 1, the **Commission** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the **Commission** shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

Amendment

2. Before adopting the decision pursuant to paragraph 1, the **Board** shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the **Board** shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.

Or. fr

Amendment 2195
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 58 – paragraph 3

Text proposed by the Commission

3. In the decision adopted pursuant to paragraph 1 the Commission shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take

Amendment

3. In the decision adopted pursuant to paragraph 1 the Commission **or the Board** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that

to comply with the decision.

platform intends to take to comply with the decision.

Or. en

Amendment 2196

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 58 – paragraph 3

Text proposed by the Commission

3. In the decision adopted pursuant to paragraph 1 the **Commission** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

Amendment

3. In the decision adopted pursuant to paragraph 1 the **Agency** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

Or. en

Amendment 2197

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 58 – paragraph 3

Text proposed by the Commission

3. In the decision adopted pursuant to paragraph 1 the **Commission** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

Amendment

3. In the decision adopted pursuant to paragraph 1 the **Board** shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.

Or. fr

Amendment 2198
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 58 – paragraph 4

Text proposed by the Commission

4. The very large online platform concerned shall provide the Commission with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Amendment

4. The very large online platform concerned shall provide the Commission **or the Board** with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Or. en

Amendment 2199
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 58 – paragraph 4

Text proposed by the Commission

4. The very large online platform concerned shall provide the Commission with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Amendment

4. The very large online platform concerned shall provide the **Board and the Commission** with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Or. fr

Amendment 2200
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 58 – paragraph 4

Text proposed by the Commission

4. The very large online platform concerned shall provide the **Commission** with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Amendment

4. The very large online platform concerned shall provide the **Agency** with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.

Or. en

Amendment 2201
Kosma Zlotowski

Proposal for a regulation
Article 58 – paragraph 5

Text proposed by the Commission

5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

Amendment

5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision ***and order the power to remove content or to restrict access to an online interface or to order the explicit display of a warning to recipients when they access an online interface;***

Or. en

Amendment 2202
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 58 – paragraph 5

Text proposed by the Commission

5. Where the Commission ***finds*** that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

Amendment

5. Where the ***Board, on its own initiative or on a proposal by the Commission, deems*** that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

Or. fr

Amendment 2203

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 58 – paragraph 5

Text proposed by the Commission

5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

Amendment

5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision ***approved by the Board.***

Or. en

Amendment 2204

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 58 – paragraph 5

Text proposed by the Commission

5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

Amendment

5. Where the Commission ***or the Board*** finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

Or. en

Amendment 2205

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

Proposal for a regulation
Article 58 – paragraph 5

Text proposed by the Commission

5. Where the ***Commission*** finds that the conditions of paragraph 1 are not met,

Amendment

5. Where the ***Agency*** finds that the conditions of paragraph 1 are not met, it

it shall close the investigation by a decision.

shall close the investigation by a decision.

Or. en

Amendment 2206
Kosma Złotowski

Proposal for a regulation
Article 58 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The decision ordered pursuant to paragraph 5 should be executable with immediate effect.

Or. en

Amendment 2207
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 59 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. In the decision pursuant to Article 58, the Commission may impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

1. In the decision pursuant to Article 58, the Commission **or the Board** may impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

Or. en

Amendment 2208
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 59 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the decision pursuant to Article 58, the **Commission** may impose on the very large online platform concerned fines not exceeding **6%** of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

Amendment

1. In the decision pursuant to Article 58, the **Agency** may impose on the very large online platform concerned fines not exceeding **10%** of its total **worldwide** turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

Or. en

Justification

Clarification of reference. 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 2209

Tomislav Sokol, Ivan Štefanec

Proposal for a regulation

Article 59 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the decision pursuant to Article 58, the Commission **may** impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

Amendment

1. In the decision pursuant to Article 58, the Commission **shall** impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

Or. en

Amendment 2210

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 59 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the decision pursuant to Article

Amendment

1. In the decision pursuant to Article

58, the **Commission** may impose on the very large online platform concerned fines not exceeding 6 % of its **total** turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

58, the **Board** may impose on the very large online platform concerned fines not exceeding 6% of its **global** turnover in the preceding financial year where it finds that that platform, intentionally or negligently:

Or. fr

Amendment 2211

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 59 – paragraph 1 – point c

Text proposed by the Commission

(c) fails to comply with a voluntary measure made binding by a decision pursuant to Articles 56.

Amendment

deleted

Or. en

Amendment 2212

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

Proposal for a regulation

Article 59 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or **negligently**:

Amendment

2. The Commission may by decision **and in compliance with the proportionality principle** impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or **as a result of repeated negligence**:

Or. en

Justification

To ensure proportionality of fines.

Amendment 2213

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 59 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or negligently:

Amendment

2. The Commission **or the Board** may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or negligently:

Or. en

Amendment 2214

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 59 – paragraph 2 – introductory part

Text proposed by the Commission

2. The **Commission** may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding **1%** of the total turnover in the preceding financial year, where they intentionally or negligently:

Amendment

2. The **Agency** may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding **2%** of the total **worldwide** turnover in the preceding financial year, where they intentionally or negligently:

Or. en

Justification

Clarification of reference. 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 2215

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 59 – paragraph 2 – introductory part

Text proposed by the Commission

2. The **Commission** may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1 % of the **total** turnover in the preceding financial year, where they intentionally or negligently:

Amendment

2. The **Board** may by decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the **global** turnover in the preceding financial year, where they intentionally or negligently:

Or. fr

Amendment 2216

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 59 – paragraph 2 – point b

Text proposed by the Commission

(b) fail to rectify within the time period set by the Commission, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

Amendment

(b) fail to rectify within the time period set by the Commission **or the Board**, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

Or. en

Amendment 2217

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 59 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) fail to rectify within the time period set by the **Commission**, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

(b) fail to rectify within the time period set by the **Agency**, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;

Or. en

Amendment 2218

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit
on behalf of the ID Group

Proposal for a regulation

Article 59 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) *refuse to submit to an on-site inspection pursuant to Article 54.*

deleted

Or. en

Amendment 2219

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 59 – paragraph 3

Text proposed by the Commission

Amendment

3. Before adopting the decision pursuant to paragraph 2, the Commission shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

3. Before adopting the decision pursuant to paragraph 2, the Commission shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1) **and to the Board.**

Or. en

Amendment 2220
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 59 – paragraph 3

Text proposed by the Commission

3. Before adopting the decision pursuant to paragraph 2, the Commission shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

Amendment

3. Before adopting the decision pursuant to paragraph 2, the Commission **or the Board** shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

Or. en

Amendment 2221
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 59 – paragraph 3

Text proposed by the Commission

3. Before adopting the decision pursuant to paragraph 2, the **Commission** shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

Amendment

3. Before adopting the decision pursuant to paragraph 2, the **Agency** shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).

Or. en

Amendment 2222
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 59 – paragraph 3

Text proposed by the Commission

3. Before adopting the decision pursuant to paragraph 2, the **Commission** shall communicate its preliminary findings

Amendment

3. Before adopting the decision pursuant to paragraph 2, the **Board** shall communicate its preliminary findings to

to the very large online platform concerned or other person referred to in Article 52(1).

the very large online platform concerned or other person referred to in Article 52(1).

Or. fr

Amendment 2223

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 59 – paragraph 4

Text proposed by the Commission

4. In fixing the amount of the fine, the Commission shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Amendment

4. In fixing the amount of the fine, the Commission shall have regard to the nature, gravity, duration and recurrence of the infringement, ***any fines issued under Article 42 and need to avoid double sanctioning the same infringement*** and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Or. en

Justification

Commission fines should take into account any Member State fines already issued.

Amendment 2224

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation Article 59 – paragraph 4

Text proposed by the Commission

4. In fixing the amount of the fine, the **Commission** shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Amendment

4. In fixing the amount of the fine, the **Board** shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Or. fr

Amendment 2225

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 59 – paragraph 4

Text proposed by the Commission

4. In fixing the amount of the fine, the **Commission** shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Amendment

4. In fixing the amount of the fine, the **Agency** shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Or. en

Amendment 2226

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 60 – paragraph 1 – introductory part

Text proposed by the Commission

1. The **Commission** may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding **5 %** of the average daily turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:

Amendment

1. The **Agency** may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding **10 %** of the average daily **worldwide** turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:

Or. en

Justification

Clarification of reference. 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 2227

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 60 – paragraph 1 – introductory part

Text proposed by the Commission

1. The **Commission** may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding 5 % of the average daily turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:

Amendment

1. The **Board** may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding 5% of the average daily **global** turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:

Or. fr

Amendment 2228

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit
on behalf of the ID Group

Proposal for a regulation

Article 60 – paragraph 1 – point b

Text proposed by the Commission

(b) submit to an on-site inspection which it has ordered by decision pursuant to Article 54;

Amendment

deleted

Or. en

Amendment 2229

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 60 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the very large online platform concerned or other person referred to in Article 52(1) has satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.

deleted

Or. fr

Amendment 2230

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 60 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the very large online platform concerned or other person referred to in Article 52(1) has satisfied the obligation which the periodic penalty payment was intended to enforce, the **Commission** may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.

2. Where the very large online platform concerned or other person referred to in Article 52(1) has satisfied the obligation which the periodic penalty payment was intended to enforce, the **Agency** may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.

Or. en

Amendment 2231

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 61 – paragraph 1

Text proposed by the Commission

1. The powers conferred on the **Commission** by Articles 59 and 60 shall be subject to a limitation period of five years.

Amendment

1. The powers conferred on the **Agency** by Articles 59 and 60 shall be subject to a limitation period of five years.

Or. en

Amendment 2232

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 61 – paragraph 3 – introductory part

Text proposed by the Commission

3. Any action taken by the **Commission** or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:

Amendment

3. Any action taken by the **Agency** or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:

Or. en

Amendment 2233

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 61 – paragraph 3 – point a

Text proposed by the Commission

(a) requests for information by the Commission **or by** a Digital Services Coordinator;

Amendment

(a) requests for information by the Commission, **the Board or** a Digital Services Coordinator;

Or. fr

Amendment 2234

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 61 – paragraph 3 – point a

Text proposed by the Commission

(a) requests for information by the **Commission** or by a Digital Services Coordinator;

Amendment

(a) requests for information by the **Agency** or by a Digital Services Coordinator;

Or. en

Amendment 2235

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri, Markus Buchheit

on behalf of the ID Group

Proposal for a regulation

Article 61 – paragraph 3 – point b

Text proposed by the Commission

(b) **on-site inspection;**

Amendment

deleted

Or. en

Amendment 2236

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 61 – paragraph 3 – point c

Text proposed by the Commission

(c) the opening of a proceeding by the **Commission** pursuant to Article 51(2).

Amendment

(c) the opening of a proceeding by the **Agency** pursuant to Article 51(2).

Or. en

Amendment 2237
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 61 – paragraph 4

Text proposed by the Commission

4. Each interruption shall start time running afresh. ***However, the limitation period for the imposition of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.***

Amendment

4. Each interruption shall start time running afresh.

Or. fr

Amendment 2238
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 61 – paragraph 4

Text proposed by the Commission

4. Each interruption shall start time running afresh. However, the limitation period for the imposition of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the ***Commission*** having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.

Amendment

4. Each interruption shall start time running afresh. However, the limitation period for the imposition of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the ***Agency*** having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.

Or. en

Amendment 2239
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 61 – paragraph 5

Text proposed by the Commission

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the **Commission** is the subject of proceedings pending before the Court of Justice of the European Union.

Amendment

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the **Agency** is the subject of proceedings pending before the Court of Justice of the European Union.

Or. en

Amendment 2240
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 61 – paragraph 5

Text proposed by the Commission

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the **Commission** is the subject of proceedings pending before the Court of Justice of the European Union.

Amendment

5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the **Board** is the subject of proceedings pending before the Court of Justice of the European Union.

Or. fr

Amendment 2241
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 62

Text proposed by the Commission

Article 62

Amendment

deleted

Limitation period for the enforcement of penalties

- 1. The power of the Commission to enforce decisions taken pursuant to Articles 59 and 60 shall be subject to a limitation period of five years.***
- 2. Time shall begin to run on the day on which the decision becomes final.***
- 3. The limitation period for the enforcement of penalties shall be interrupted:***
 - (a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;***
 - (b) by any action of the Commission, or of a Member State acting at the request of the Commission, designed to enforce payment of the fine or periodic penalty payment.***
- 4. Each interruption shall start time running afresh.***
- 5. The limitation period for the enforcement of penalties shall be suspended for so long as:***
 - (a) time to pay is allowed;***
 - (b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.***

Or. fr

Amendment 2242
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 62 – title

Text proposed by the Commission

Amendment

Limitation period for the enforcement of penalties

Enforcement of penalties

Or. fr

Amendment 2243
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 62 – paragraph 1

Text proposed by the Commission

1. The **power of the Commission to enforce decisions taken pursuant to Articles 59 and 60** shall be **subject to a limitation period of five years**.

Amendment

1. The **penalties decided upon shall be enforceable immediately** and shall be **enforced without delay by the Commission**.

Or. fr

Amendment 2244
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 62 – paragraph 1

Text proposed by the Commission

1. The power of the **Commission** to enforce decisions taken pursuant to Articles 59 and 60 shall be subject to a limitation period of five years.

Amendment

1. The power of the **Agency** to enforce decisions taken pursuant to Articles 59 and 60 shall be subject to a limitation period of five years.

Or. en

Amendment 2245
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 62 – paragraph 3 – point b

Text proposed by the Commission

(b) by any action of the **Commission**, or of a Member State acting at the request

Amendment

(b) by any action of the **Agency**, or of a Member State acting at the request of the

of the **Commission**, designed to enforce payment of the fine or periodic penalty payment.

Agency, designed to enforce payment of the fine or periodic penalty payment.

Or. en

Amendment 2246

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 63 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the **Commission** shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:

Amendment

1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the **Board** shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:

Or. fr

Amendment 2247

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 63 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the **Commission** shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:

Amendment

1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the **Agency** shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:

Or. en

Amendment 2248

Alexandra Geese

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

Proposal for a regulation
Article 63 – paragraph 1 – point a

Text proposed by the Commission

(a) preliminary findings of the **Commission**, including any matter to which the **Commission** has taken objections; and

Amendment

(a) preliminary findings of the **Agency**, including any matter to which the **Agency** has taken objections; and

Or. en

Amendment 2249
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 63 – paragraph 1 – point a

Text proposed by the Commission

(a) preliminary findings of the **Commission**, including any matter to which the **Commission** has taken objections; and

Amendment

(a) preliminary findings of the **Board**, including any matter to which the **Board** has taken objections; and

Or. fr

Amendment 2250
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 63 – paragraph 1 – point b

Text proposed by the Commission

(b) measures that the **Commission** may intend to take in view of the preliminary findings referred to point (a).

Amendment

(b) measures that the **Agency** may intend to take in view of the preliminary findings referred to point (a).

Or. en

Amendment 2251
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 63 – paragraph 1 – point b

Text proposed by the Commission

(b) measures that the **Commission** may intend to take in view of the preliminary findings referred to point (a).

Amendment

(b) measures that the **Board** may intend to take in view of the preliminary findings referred to point (a).

Or. fr

Amendment 2252
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

2. The very large online platform concerned or other person referred to in Article 52(1) may submit their observations on the **Commission's** preliminary findings within a reasonable time period set by the **Commission** in its preliminary findings, which may not be less than 14 days.

Amendment

2. The very large online platform concerned or other person referred to in Article 52(1) may submit their observations on the **Agency's** preliminary findings within a reasonable time period set by the **Agency** in its preliminary findings, which may not be less than 14 days.

Or. en

Amendment 2253
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 63 – paragraph 2

Text proposed by the Commission

2. The very large online platform

Amendment

2. The very large online platform

concerned or other person referred to in Article 52(1) may submit their observations on the **Commission's** preliminary findings within a reasonable time period set by the **Commission** in its preliminary findings, which may not be less than 14 days.

concerned or other person referred to in Article 52(1) may submit their observations on the **Board's** preliminary findings within a reasonable time period set by the **Board** in its preliminary findings, which may not be less than 14 days.

Or. fr

Amendment 2254
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 63 – paragraph 3

Text proposed by the Commission

3. The **Commission** shall base its decisions only on objections on which the parties concerned have been able to comment.

Amendment

3. The **Agency** shall base its decisions only on objections on which the parties concerned have been able to comment.

Or. en

Amendment 2255
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 63 – paragraph 3

Text proposed by the Commission

3. The **Commission** shall base its decisions only on objections on which the parties concerned have been able to comment.

Amendment

3. The **Board** shall base its decisions only on objections on which the parties concerned have been able to comment.

Or. fr

Amendment 2256
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 63 – paragraph 4

Text proposed by the Commission

4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the Commission or Member States' authorities. In particular, the right of access shall not extend to correspondence between the Commission and those authorities. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.

Amendment

4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the **Board's and the** Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the Commission, **the Board** or Member States' authorities. In particular, the right of access shall not extend to correspondence between the Commission, **the Board** and those authorities. Nothing in this paragraph shall prevent the Commission **or the Board** from disclosing and using information necessary to prove an infringement.

Or. fr

Amendment 2257

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 63 – paragraph 4

Text proposed by the Commission

4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the **Commission's** file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection

Amendment

4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the **Agency's** file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection

of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the **Commission** or Member States' authorities. In particular, the right of access shall not extend to correspondence between the **Commission** and those authorities. Nothing in this paragraph shall prevent the **Commission** from disclosing and using information necessary to prove an infringement.

of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the **Agency** or Member States' authorities. In particular, the right of access shall not extend to correspondence between the **Agency** and those authorities. Nothing in this paragraph shall prevent the **Agency** from disclosing and using information necessary to prove an infringement.

Or. en

Amendment 2258

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 63 – paragraph 6

Text proposed by the Commission

6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), the **Commission, the Board**, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and experts appointed pursuant to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy.

Amendment

6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), the **Agency**, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and experts appointed pursuant to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy.

Or. en

Amendment 2259

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 64 – paragraph 1

Text proposed by the Commission

1. The **Commission** shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.

Amendment

1. The **Agency** shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.

Or. en

Amendment 2260
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 64 – paragraph 1

Text proposed by the Commission

1. The **Commission** shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.

Amendment

1. The **Board** shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.

Or. fr

Amendment 2261
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 65 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be

Amendment

Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be

avoided through the exercise of other powers available under Union or national law, the **Commission may request the Digital Services Coordinator of establishment of the very large online platform concerned to** act pursuant to Article 41(3).

avoided through the exercise of other powers available under Union or national law, the **Agency may** act pursuant to Article 41(3).

Or. en

Amendment 2262
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 65 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the Commission may request the Digital Services Coordinator of establishment of the very large online platform concerned to act pursuant to Article 41(3).

Amendment

Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the Commission **or the Board** may request the Digital Services Coordinator of establishment of the very large online platform concerned to act pursuant to Article 41(3).

Or. fr

Amendment 2263
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 65 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Prior to making such request to the Digital Services Coordinator, the Commission shall invite interested parties to submit written observations within a time period that shall not be less than two weeks,

Amendment

Prior to making such request to the Digital Services Coordinator, the Commission **or the Board** shall invite interested parties to submit written observations within a time period that shall not be less than two

describing the measures *it intends* to request and identifying the intended addressee or addressees thereof.

weeks, describing the measures *they intend* to request and identifying the intended addressee or addressees thereof.

Or. fr

Amendment 2264

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 65 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Prior to *making such* request *to the Digital Services Coordinator, the Commission* shall invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures it intends to request and identifying the intended addressee or addressees thereof.

Amendment

Prior to *submitting the* request *according to Article 41(3) (b), the Agency* shall invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures it intends to request and identifying the intended addressee or addressees thereof.

Or. en

Amendment 2265

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 65 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Prior to making such request to the Digital Services Coordinator, the Commission shall invite interested parties to submit written observations within a time period that shall not be less than *two weeks*, *describing* the measures it intends to request and identifying the intended addressee or addressees thereof.

Amendment

Prior to making such request to the Digital Services Coordinator, the Commission shall invite interested parties to submit written observations within a time period that shall not be less than *14 days*, the measures it intends to request and identifying the intended addressee or addressees thereof.

Amendment 2266

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 65 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the coherent application of this Regulation so requires, the Commission, acting on its own initiative, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, **it** may also make oral observations.

Amendment

Where the coherent application of this Regulation so requires, the Commission **or the Board**, acting on its own initiative, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, **they** may also make oral observations.

Or. fr

Amendment 2267

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 65 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Where the coherent application of this Regulation so requires, the **Commission, acting on its own initiative**, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also make oral observations.

Amendment

Where the coherent application of this Regulation so requires, the **Agency** may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also make oral observations.

Or. en

Amendment 2268

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 65 – paragraph 2 – subparagraph 2

Text proposed by the Commission

For the purpose of the preparation of **its** observations only, the Commission may request that judicial authority to transmit or ensure the transmission to **it** of any documents necessary for the assessment of the case.

Amendment

For the purpose of the preparation of **their** observations only, the Commission **or the Board** may request that judicial authority to transmit or ensure the transmission to **them** of any documents necessary for the assessment of the case.

Or. fr

Amendment 2269
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 66 – paragraph 1

Text proposed by the Commission

1. In relation to the Commission intervention covered by this Section, the Commission may adopt implementing acts concerning the practical arrangements for:

(a) the proceedings pursuant to Articles 54 and 57;

(b) the hearings provided for in Article 63;

(c) the negotiated disclosure of information provided for in Article 63.

Amendment

deleted

Or. en

Justification

The Agency cannot and does not need to issue implementing acts.

Amendment 2270
Alexandra Geese

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

Proposal for a regulation
Article 66 – paragraph 1 – point a

Text proposed by the Commission

Amendment

**(a) the proceedings pursuant to
Articles 54 and 57;** *deleted*

Or. en

Amendment 2271
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 66 – paragraph 1 – point b

Text proposed by the Commission

Amendment

**(b) the hearings provided for in
Article 63;** *deleted*

Or. en

Amendment 2272
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 66 – paragraph 1 – point c

Text proposed by the Commission

Amendment

**(c) the negotiated disclosure of
information provided for in Article 63.** *deleted*

Or. en

Amendment 2273

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 66 – paragraph 2

Text proposed by the Commission

Amendment

2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which shall not be less than one month. **deleted**

Or. en

Amendment 2274

Marc Angel, Maria Grapini, Andreas Schieder, Evelyne Gebhardt

Proposal for a regulation

Article 67 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, the Commission and the Board.

1. The Commission shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, the Commission and the Board *based on the Internal Market Information system.*

Or. en

Justification

The IMI systems works well, is already in place, Member States know how it works, it would be less costly and could be immediately operational.

Amendment 2275
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 67 – paragraph 1

Text proposed by the Commission

1. The **Commission** shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, **the Commission** and the **Board**.

Amendment

1. The **Agency** shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators and the **Agency**.

Or. en

Amendment 2276
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 67 – paragraph 2

Text proposed by the Commission

2. The Digital Services Coordinators, **the Commission** and the **Board** shall use the information sharing system for all communications pursuant to this Regulation.

Amendment

2. The Digital Services Coordinators and the **Agency** shall use the information sharing system for all communications pursuant to this Regulation.

Or. en

Amendment 2277
Alexandra Geese
on behalf of the Greens/EFA Group
Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation
Article 67 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information sharing system and its interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.

deleted

Or. en

Amendment 2278

Alexandra Geese

on behalf of the Greens/EFA Group

Rasmus Andresen, Kim Van Sparrentak

Proposal for a regulation

Article 68 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Without prejudice to Directive 2020/XX/EU of the European Parliament and of the Council⁵², recipients of intermediary services shall have the right to mandate a body, organisation or association to exercise the rights referred to in Articles **17, 18 and 19** on their behalf, provided the body, organisation or association meets all of the following conditions:

Without prejudice to Directive 2020/XX/EU of the European Parliament and of the Council⁵², recipients of intermediary services shall have the right to mandate a **public body or their representatives, or a** body, organisation or association to exercise the rights referred to in Articles **8, 12, 13, 14, 15, 17, 18, 19 and 43 as well as all secondary claims** on their behalf, provided the body, organisation or association meets all of the following conditions:

⁵² [Reference]

⁵² [Reference]

Or. en

Justification

Collective interests also for the rights referred to in Articles 12-15. Moreover, a public body should be able to take action law before the courts or before the competent administrative bodies.

Amendment 2279

Geert Bourgeois

Proposal for a regulation

Article 68 – paragraph 1 – introductory part

Text proposed by the Commission

Without prejudice to Directive 2020/XX/EU of the European Parliament and of the Council, recipients of intermediary services shall have the right to mandate a body, organisation or association to exercise the rights referred to in Articles 17, **18** and **19** on their behalf, provided the body, organisation or association meets all of the following conditions:

⁵² [Reference].

Amendment

Without prejudice to Directive 2020/XX/EU of the European Parliament and of the Council, recipients of intermediary services shall have the right to mandate a body, organisation or association to exercise the rights referred to in Articles 17 and **18** on their behalf, provided the body, organisation or association meets all of the following conditions:

⁵² [Reference].

Or. nl

Amendment 2280

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 68 – paragraph 1 – introductory part

Text proposed by the Commission

Without prejudice to Directive 2020/XX/EU of the European Parliament and of the Council, recipients of intermediary services shall have the right to mandate a body, organisation or association to exercise the rights referred to in **Articles 17, 18 and 19** on their behalf, provided the body, organisation or association meets all of the following conditions:

⁵² [Reference]

Amendment

Without prejudice to Directive 2020/XX/EU of the European Parliament and of the Council, recipients of intermediary services shall have the right to mandate a body, organisation or association to exercise the rights referred to in **Article 17** on their behalf, provided the body, organisation or association meets all of the following conditions:

⁵² [Reference]

Amendment 2281

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

Proposal for a regulation

Article 69 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].

Amendment

2. The delegation of power referred to in Articles **13**, 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].

Or. en

Amendment 2282

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 69 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 23, 25, **and 31** shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].

Amendment

2. The delegation of power referred to in Articles 23, 25, **31 and 34** shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].

Or. en

Justification

Technical amendment in light of additional delegated act in Article 34

Amendment 2283

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

Proposal for a regulation
Article 69 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 23, 25 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles **13**, 23, 25 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 2284

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 69 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 23, 25 **and 31** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 23, 25, **31 and 34** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Justification

Technical amendment in light of additional delegated act in Article 34

Amendment 2285

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation

Article 69 – paragraph 4

Text proposed by the Commission

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament **and to the Council.**

Amendment

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament, **the Council, the Board and the Digital Services Coordinators.**

Or. fr

Amendment 2286

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

Proposal for a regulation

Article 69 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 23, 25 and 31 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Amendment

5. A delegated act adopted pursuant to Articles **13**, 23, 25 and 31 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of **four** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 2287

Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 70 – paragraph 1

Text proposed by the Commission

1. The **Commission shall be assisted by the** Digital Services Committee. **That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.**

Amendment

1. The Digital Services Committee shall be **assisted by the Commission in all its work and prerogatives.**

Or. fr

Amendment 2288
Jean-Lin Lacapelle, Virginie Joron

Proposal for a regulation
Article 70 – paragraph 2

Text proposed by the Commission

2. **Where reference is made to this Article, Article 4 of Regulation (EU) No 182/2011 shall apply.**

Amendment

deleted

Or. fr

Amendment 2289
Alexandra Geese
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 72 a (new)

Text proposed by the Commission

Amendment

Article 72a

Annual Commission reports

1. **The Commission shall adopt an annual report on the state of the digital economy. This report shall provide an analysis of the market position, influence and business models of the gatekeepers in the common market. This report shall provide an overview over the effects of the**

DSA and an analysis of the market position, influence and business models of VLOPs in the common market. The report shall include a summary of the activities of the Agency regarding the enforcement of all provisions of this Regulation, in particular of Chapter III of this Regulation, as well as an assessment on whether the provisions of this Regulation, other relevant Union legislation and current enforcement levels are adequate to address risks for democracy and fundamental rights.

This annual report shall also include a social impact assessment, which assesses new digital products and services and their potential impact on mental health, user behaviour, disinformation, polarisation and democracy. In the fulfilment of this mandate, the Commission should coordinate its supervisory and monitoring efforts with those foreseen under the Digital Services Act, so as to achieve the best possible synergies.

2. The European Parliament through its competent committees may provide an opinion on an annual basis on the report by the Commission.

3. The Commission shall reply in writing to the opinion adopted by the European Parliament and to any question addressed to it by the European Parliament or by the Council within five weeks of its receipt.

4. At the request of the European Parliament, the Commission shall participate in a hearing before the European Parliament. A hearing shall take place at least bi-annually. The respective Commissioner shall make a statement before the European Parliament and answer any questions from its members, whenever so requested. In addition, a continuous, high-level dialogue between the European Parliament and the Commission shall be ensured through exchanges which take

place no less than four times a year.

Or. en

Amendment 2290

Adam Bielan, Kosma Złotowski, Beata Mazurek

Proposal for a regulation

Article 73 – paragraph 1

Text proposed by the Commission

1. By **five** years after the entry into force of this Regulation at the latest, and every **five** years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

1. By **three** years after the entry into force of this Regulation at the latest, and every **three** years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee. ***On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation.***

Or. en

Amendment 2291

Adam Bielan, Kosma Złotowski, Beata Mazurek

Proposal for a regulation

Article 73 – paragraph 4

Text proposed by the Commission

4. By three years from the date of application of this Regulation at the latest, the Commission, after consulting the Board, shall carry out an assessment of the functioning of the Board and shall report it to the European Parliament, the Council and the European Economic and Social Committee, taking into account the first years of application of the Regulation. On the basis of the findings and taking into utmost account the

Amendment

deleted

opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation with regard to the structure of the Board.

Or. en

Amendment 2292

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

Proposal for a regulation

Article 73 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. By three years from the date of application of this Regulation at the latest, the Commission shall carry out an assessment of any impact of the costs to European service providers of any similar requirements, including those of Article 11, introduced by third-party states and any new barriers to non-EU market access after the adoption of this Regulation. The Commission shall also assess the impact on the ability of European businesses and consumers to access and buy products and services from outside the Union.

Or. en

Justification

The effect of adopting extra-territorial rules here and the potential reaction by third countries on EU companies must not be underestimated. This must be reviewed in light of any final agreement.

Amendment 2293

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

Proposal for a regulation

Article 74 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *Chapter III, section 4 shall apply from [date - 3 months after its entry into force].*

Or. en

Justification

The amount of time and effort to implement the large number of measures covered by this Regulation makes implementing it within three months not a reasonable request for any organizations other than very large online platforms

Amendment 2294

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

Proposal for a regulation

Article 74 – paragraph 2

Text proposed by the Commission

Amendment

2. *It shall apply from [date - **three** months after its entry into force].*

2. ***This Regulation, with the exception of Chapter III section 4,** shall apply from [date - **twelve** months after its entry into force].*

Or. en

Justification

The amount of time and effort to implement the large number of measures covered by this Regulation makes implementing it within three months not a reasonable request for any organizations other than very large online platforms

Amendment 2295

Adam Bielan, Kosma Złotowski, Eugen Jurzyca, Beata Mazurek

Proposal for a regulation

Article 74 – paragraph 2

Text proposed by the Commission

Amendment

2. It shall apply from [date - **three**

2. It shall apply from [date - **sixteen**

months after its entry into force].

months after its entry into force].

Or. en

Amendment 2296

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

Proposal for a regulation

Article 74 – paragraph 2

Text proposed by the Commission

Amendment

2. It shall apply from [date - **three** months after its entry into force].

2. It shall apply from [date - **twelve** months after its entry into force].

Or. en

Justification

To give all stakeholders and authorities sufficient time to prepare.

Amendment 2297

Geert Bourgeois

Proposal for a regulation

Chapter V a (new)

Text proposed by the Commission

Amendment

ANNEX 1

For the purposes of this Regulation, 'serious crimes' means the following forms of crime:

terrorism, human trafficking, sexual exploitation and sexual abuse, illicit drug trafficking, illicit arms trafficking, incitement to violence, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

Or. nl

