



2020/0361(COD)

19.7.2021

AMENDMENTS

918 - 1151

Draft opinion

Geoffroy Didier

(PE694.960v01-00)

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

Proposal for a regulation

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

Amendment 918

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda

Proposal for a regulation

Article 28 – paragraph 1 – point b

Text proposed by the Commission

(b) any **commitments** undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.

Amendment

(b) any **of voluntary measures** undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.

Or. en

Amendment 919

Karen Melchior, Hilde Vautmans, Stéphane Séjourné

Proposal for a regulation

Article 28 – paragraph 2 – introductory part

Text proposed by the Commission

2. Audits performed pursuant to paragraph 1 shall be performed by organisations which:

Amendment

2. Audits performed pursuant to paragraph 1 shall be performed by organisations which **have been selected by the Commission and:**

Or. en

Amendment 920

Stéphane Séjourné

Proposal for a regulation

Article 28 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) **have been certified by the Commission for the performance of this task;**

Amendment 921
Stéphane Séjourné

Proposal for a regulation
Article 28 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) a description of specific elements that could not be audited, and an explanation of why these could not be audited;

Or. en

Amendment 922
Stéphane Séjourné

Proposal for a regulation
Article 28 – paragraph 3 – point f b (new)

Text proposed by the Commission

Amendment

(fb) where the audit opinion could not reach a conclusion for specific elements within the scope of the audit, a statement of reasons for the failure to reach such conclusion.

Or. en

Amendment 923
Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 28 – paragraph 4

Text proposed by the Commission

Amendment

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a

view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. ***Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.***

view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures.

Or. en

Amendment 924
Patrick Breyer

Proposal for a regulation
Article 28 – paragraph 4

Text proposed by the Commission

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them ***with a view to take the necessary measures to implement them.*** They shall, within one month from receiving those recommendations, adopt an audit implementation report ***setting out those measures.*** Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

Amendment

4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them. They shall, within one month from receiving those recommendations, adopt an audit implementation report. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

Or. en

Justification

Since these recommendations are not subject to democratic or judicial scrutiny, their implementation shall not be mandated by law.

Amendment 925
Emmanuel Maurel

Proposal for a regulation
Article 28 – paragraph 4

Text proposed by the Commission

4. *Very* large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

Amendment

4. Large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.

Or. fr

Amendment 926
Geoffroy Didier

Proposal for a regulation
Article 29

Text proposed by the Commission

Article 29

Recommender systems

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option

Amendment

deleted

which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

Or. en

Amendment 927
Emmanuel Maurel

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. *Very large online* platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, *including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.*

Amendment

1. **Online** platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available. **Online platforms shall ensure that consumer profiling does not take place by default, unless this is the preferred option of the latter, in line with the requirements set out in Regulation (EU) 2016/679. Online platforms shall not distort or impede the autonomy, decision-making or choice of consumers through any structure, function or modus operandi of their online interface or any part of that interface.**

Or. fr

Amendment 928

Patrick Breyer

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

Amendment

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, ***meaningful information about the logic involved and*** the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679 ***and which is activated by default. Basing recommender systems on profiling shall require the explicit consent of the recipient, as defined in Article 4, point (11), of Regulation (EU) 2016/679.***

Or. en

Justification

Subject to discussion on JURI competences.

Amendment 929

Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any

Amendment

1. Very large online platforms that use recommender systems shall set out in their terms and conditions ***and on a designated web page that can be directly reached from the very large online platforms' online interface,*** in a clear, accessible and

options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

easily comprehensible manner *for the general public*, the main parameters used in their recommender systems, *the optimisation goals of their recommender systems* as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

Or. en

Amendment 930

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.

Amendment

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679. *Any option based on profiling within the meaning of Article 4 (4) of Regulation (EU) 2016/679 shall never be the default setting of a recommender system.*

Or. en

Amendment 931

Axel Voss, Michael Gahler, Sabine Verheyen, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Very large online platforms ***that use recommender systems shall set out*** in their terms and conditions, ***in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.***

Amendment

1. Very large online platforms ***shall base the parameters of their recommender system on Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (P2B) and set them*** out in their terms and conditions.

Or. en

Amendment 932
Kosma Złotowski

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in ***their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.***

Amendment

1. Very large online platforms that use recommender systems ***or any other systems used to determine the order of presentation of content, including those which decrease the visibility of content,*** shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in ***these*** systems.

Or. en

Amendment 933

Kosma Zlotowski

**Proposal for a regulation
Article 29 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

- 1a. The main parameters referred to in paragraph 1 of this Article shall include at least the following elements:**
- (a) the main criteria used by the relevant recommender system;**
 - (b) how these criteria are prioritised;**
 - (c) the optimisation goal of the relevant recommender system; and**
 - (d) an explanation of the role that the behaviour of the recipients of the service plays in how the relevant recommender system functions.**

Or. en

Amendment 934

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose

**Proposal for a regulation
Article 29 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

- 1a. The parameters referred to in paragraph 1 shall include but not be limited to:**
- (a) the recommendation criteria;**
 - (b) objectives of the recommender system;**
 - (c) hierarchy and weighing of different criteria if applicable;**
 - (d) the role of recipient behaviour in determining recommender system outputs if applicable;**

Or. en

Amendment 935

Axel Voss, Andrzej Halicki, Michael Gahler, Sabine Verheyen, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda, Pascal Arimont

Proposal for a regulation

Article 29 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The parameters used in recommender systems shall always be fair and non-discriminatory.

Or. en

Amendment 936

Kosma Zlotowski

Proposal for a regulation

Article 29 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Very large online platforms shall provide options for the recipients of the service to modify or influence parameters referred to in paragraph 2, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation(EU) 2016/679.

Or. en

Amendment 937

Kosma Zlotowski

Proposal for a regulation

Article 29 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The parameters used in recommender systems shall always be fair and non-discriminatory.

Amendment 938

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

**Proposal for a regulation
Article 29 – paragraph 2**

Text proposed by the Commission

Amendment

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

deleted

Or. en

Amendment 939

Kosma Złotowski

**Proposal for a regulation
Article 29 – paragraph 2**

Text proposed by the Commission

Amendment

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

2. Very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to:

(a) select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to

them;

(b) select third party recommender systems.

Or. en

Amendment 940
Karen Melchior

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide **an** easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

Amendment

2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide **clear and** easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

Or. en

Amendment 941
Emmanuel Maurel

Proposal for a regulation
Article 29 – paragraph 2

Text proposed by the Commission

2. Where several options are available pursuant to paragraph 1, **very** large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

Amendment

2. Where several options are available pursuant to paragraph 1, large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.

Amendment 942

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose

Proposal for a regulation

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Very large online platforms that use recommender systems shall allow the recipient of the service to have information presented to them in a chronological order only and, where technically possible, to use third-party recommender systems. Third-party recommender systems shall have access to the same information available to the recommender systems used by the platform, notwithstanding the platform's obligations under Regulation (EU) 2016/679. Very large online platforms may only temporarily limit access to third-party recommender systems in case of provable abuse by the third-party provider or when justified by an immediate requirement to address a technical issue such as a serious security vulnerability.

Or. en

Amendment 943

Patrick Breyer

Proposal for a regulation

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Very large online platforms that use recommender systems shall allow the recipient of the service to have information presented to them in chronological order only and alternatively, where technically possible,

to use third-party recommender systems. Third-party recommender systems shall have access to the same information that is available to the recommender systems used by the platform. They shall process this information only to provide recommendations to the recipient.

Or. en

Justification

Subject to discussion on JURI competences. The algorithm-driven spreading and amplification of legal but potentially problematic content needs to be contained by giving users more control over content proposed to them. Users of very large platforms shall have a right to see their timeline and other content recommendations in chronological order only (resolutions 2020/2022(INI), par. 35, and 2020/2018(INL), recital X) and also be provided with an API that allows them to have content curated by software or services of their choice, where this is technically possible (resolution 2020/2019(INL), par. 28). The latter option ensures competition and user choice between recommender systems, allowing users to better protect themselves against information they do not wish to see. The DSA should promote the creation of an innovative and competitive EU market of recommender systems where different providers can compete on the merits of how useful their systems are to users rather than to the platforms.

Amendment 944 **Stéphane Séjourné**

Proposal for a regulation **Article 29 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Online platforms shall ensure that their online interface is designed in such a way that it does not risk misleading or manipulating the recipients of the service.

Or. en

Amendment 945 **Karen Melchior, Hilde Vautmans, Stéphane Séjourné**

Proposal for a regulation **Article 30 – title**

Text proposed by the Commission

Amendment

Additional online advertising transparency

Additional online advertising transparency
and protection

Or. en

Amendment 946

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

Amendment

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until **one year** after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, **for advertisements that have been seen by more than 5000 recipients of the service and until six months** after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

Amendment 947

Stéphane Séjourné

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

Amendment

1. Very large online platforms that display advertising on their online interfaces shall compile and make **publicly** available through application programming

1. Very large online platforms that display advertising on their online interfaces shall compile and make available **to relevant authorities and vetted**

interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

researchers, meeting the requirements of Article 31(4), through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

Amendment 948

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces *a* repository containing the information referred to in paragraph 2, until *one year* after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Amendment

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces *an easily accessible and searchable* repository containing the information referred to in paragraph 2, until *five years* after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. en

Amendment 949

Emmanuel Maurel

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. **Very** large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Amendment

1. Large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.

Or. fr

Amendment 950

Karen Melchior, Stéphane Séjourné

Proposal for a regulation

Article 30 – paragraph 2 – point a

Text proposed by the Commission

(a) the content of the advertisement;

Amendment

(a) the content of the advertisement, ***including the name of the product, service or brand and the object of the advertisement;***

Or. en

Amendment 951

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose, Brando Benifei

Proposal for a regulation

Article 30 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 952

Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné

Proposal for a regulation

Article 30 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the natural or legal person or group who paid for the advertisement;

Or. en

Amendment 953

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation

Article 30 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, the main parameters used for that purpose; ***deleted***

Or. en

Amendment 954

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation

Article 30 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the ***deleted***

advertisement was targeted specifically.

Or. en

Amendment 955
Karen Melchior

Proposal for a regulation
Article 30 – paragraph 2 – point e

Text proposed by the Commission

(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

Amendment

(e) the total number of recipients of the service reached ***in each country*** and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.

Or. en

Amendment 956
Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose, Brando Benifei

Proposal for a regulation
Article 30 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) any decisions by the online platform regarding labelling, removal or disabling of online advertisements, including a justification explaining the grounds for the decision.

Or. en

Amendment 957
Karen Melchior, Liesje Schreinemacher

Proposal for a regulation
Article 30 – paragraph 2 a (new)

2a. The very large online platform shall design and organise its online interface in such a way that recipients of the service can easily and efficiently exercise their rights under applicable Union law in relation to the processing of their personal data for each specific advertisement displayed to the data subject on the platform, in particular:

(a) To withdraw consent or to object to processing

(b) To obtain access to the personal data concerning the data subject

(c) To obtain rectification of inaccurate personal data concerning the data subject

(d) To obtain erasure of personal data without undue delay

(e) Where a recipient exercises any of these rights, the online platform must inform any parties to whom the personal data concerned in points (a)-(d) have been enclosed in accordance with Article 19 of Regulation (EU) 2016/679.

Or. en

Amendment 958
Stéphane Séjourné

Proposal for a regulation
Article 30 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Board shall, after consulting trusted flaggers and vetted researchers, publish guidelines on the structure and organisation on repositories created pursuant to paragraph 1.

Or. en

Amendment 959
Stéphane Séjourné

Proposal for a regulation
Article 30 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Very large online platforms selling advertising for display on their online interface shall ensure via standard contractual clauses with the purchasers of advertising space that the content with which the advertisement is associated is compliant with the terms and conditions of the platform, or with the law of the Member States where the recipients of the service to whom the advertisement will be displayed is located.

Or. en

Amendment 960
Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné

Proposal for a regulation
Article 30 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Very large online platforms shall be prohibited from profiling or targeting minors with personalised advertising, in compliance with the industry-standards laid down in Article 34 and Regulation (EU) 2016/679.

Or. en

Amendment 961
Stéphane Séjourné

Proposal for a regulation
Article 30 – paragraph 2 c (new)

2c. Very large online platforms that display advertising on their online interfaces shall conduct at their own expense, and upon request of advertisers, independent audits performed by organisations complying with the criteria set out in Article 28(2). Such audits shall be based on fair and proportionate conditions agreed between platforms and advertisers, shall be conducted with a reasonable frequency and shall entail:

(a) conducting quantitative and qualitative assessment of cases where advertising is associated with illegal content or with content incompatible with platforms' terms and conditions;

(b) monitoring for and detecting of fraudulent use of their services to fund illegal activities;

(c) assessing the performance of their tools in terms of brand safety.

The audit report shall include opinion on the performance of platforms' tools in terms of brand safety. Where the audit opinion is not positive, the report shall make operational recommendations to the platforms on specific measures in order to achieve compliance.

The platforms shall make available to advertisers, upon request, the results of such audit.

Or. en

Amendment 962

Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné

Proposal for a regulation

Article 30 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Very large online platforms shall take adequate measures to detect

inauthentic videos ('deep fakes'). When detecting such videos, they should label them as inauthentic in a way that is clearly visible for the internet user.

Or. en

Amendment 963

Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné

Proposal for a regulation

Article 30 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. *Very large online platforms shall offer users the opportunity to check if their username and password have been compromised in a data leak, such as through the pwned open source database.*

Or. en

Amendment 964

Stéphane Séjourné

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

Amendment

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and ***within a reasonable period***, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and ***without delay***, specified in the request, ***full and continuous*** access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes. ***With regard to moderation and recommender systems, very large online platforms shall provide upon request the Digital Services Coordinator or the Commission with access to***

algorithms and associated data that allow the detection of possible biases which could lead to the dissemination of illegal content, or content that is in breach with their terms and conditions, or presents threats to fundamental rights including freedom of expression. Where a bias is detected, very large online platforms should expeditiously correct it following the recommendations of the Digital Services Coordinator or the Commission. Very large online platforms should be able to demonstrate their compliance at every step of the process pursuant to this Article.

Or. en

Amendment 965
Emmanuel Maurel

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. **Very large** online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

Amendment

1. **Large** online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, **and within a maximum of 72 hours**, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

Or. fr

Amendment 966
Axel Voss, Andrzej Halicki, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

Amendment

1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, ***provide information and*** access to data that are necessary to ***properly*** monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

Or. en

Amendment 967

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. Very large online platforms shall provide the Digital Services Coordinator ***of establishment*** or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

Amendment

1. Very large online platforms shall provide the ***requesting*** Digital Services Coordinator or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.

Or. en

Amendment 968

Stéphane Séjourné

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in **Article 26(1)**.

Amendment

2. Upon a reasoned request from the Digital Services Coordinator of establishment, **three Digital Services Coordinators of destination** or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding **and mitigation** of systemic risks as set out in **Articles 26 and 27**.

Or. en

Amendment 969

Axel Voss, Andrzej Halicki, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

**Proposal for a regulation
Article 31 – paragraph 2**

Text proposed by the Commission

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).

Amendment

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide **information and** access to **relevant** data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).

Or. en

**Amendment 970
Emmanuel Maurel**

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, **very** large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).

Amendment

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).

Or. fr

Amendment 971
Patrick Breyer

Proposal for a regulation
Article 31 – paragraph 3

Text proposed by the Commission

3. ***Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate.***

Amendment

deleted

Or. en

Amendment 972
Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose

Proposal for a regulation
Article 31 – paragraph 3

Text proposed by the Commission

3. Very large online platforms shall

Amendment

3. Very large online platforms shall

provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate.

provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate ***in an easily accessible and user-friendly format. This shall include personal data only where it is lawfully accessible by the public and without prejudice to Regulation (EU) 2016/679.***

Or. en

Amendment 973

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate.

Amendment

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 ***for a limited time and*** through online databases or application programming interfaces, as appropriate.

Or. en

Amendment 974 Emmanuel Maurel

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

3. ***Very*** large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate.

Amendment

3. Large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate.

Or. fr

Amendment 975

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose, Brando Benifei

Proposal for a regulation

Article 31 – paragraph 4

Text proposed by the Commission

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Amendment

4. In order to be vetted, researchers shall be affiliated with academic institutions ***or civil society organisations representing the public interest***, be independent from commercial interests, ***disclose the sources of funding financing their research***, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Or. en

Amendment 976

Stéphane Séjourné

Proposal for a regulation

Article 31 – paragraph 4

Text proposed by the Commission

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Amendment

4. In order to be vetted, ***scientific*** researchers shall be affiliated with academic institutions, be independent from commercial interests ***and the very large online platform it seeks data from or its competitors***, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Amendment 977**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose, Brando Benifei****Proposal for a regulation
Article 31 – paragraph 5***Text proposed by the Commission*

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

Amendment

5. The Commission shall, after consulting the Board, **and no later than one year after entry into force of this Regulation**, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

Or. en

**Amendment 978
Emmanuel Maurel****Proposal for a regulation
Article 31 – paragraph 5***Text proposed by the Commission*

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which **very** large online platforms are to share data pursuant to paragraphs 1 and 2

Amendment

5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which large online platforms are to share data pursuant to paragraphs 1 and 2 and the

and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.

Or. fr

Amendment 979
Stéphane Séjourné

Proposal for a regulation
Article 31 – paragraph 6 – introductory part

Text proposed by the Commission

6. Within 15 days following receipt of a request as referred to in paragraph **1 and 2**, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested **because one of** following **two** reasons:

Amendment

6. Within 15 days following receipt of a request as referred to in paragraph **1 and 2**, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested **for the** following reasons:

(a) in case of request under paragraph 1, a very large online platform does not have and cannot obtain with reasonable effort access to the data;

(b) in case of request under paragraph 2, a very large online platform does not have access to the data or providing access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.

Or. en

Amendment 980
Emmanuel Maurel

Proposal for a regulation
Article 31 – paragraph 6 – introductory part

Text proposed by the Commission

6. Within **15** days following receipt of a request as referred to in paragraph 1 and 2, a **very** large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested ***because one of following two reasons:***

Amendment

6. Within **3** days following receipt of a request as referred to in paragraph 1 and 2, a large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested.

Or. fr

Amendment 981
Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 31 – paragraph 6 – introductory part

Text proposed by the Commission

6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator ***of establishment*** or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:

Amendment

6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:

Or. en

Amendment 982
Emmanuel Maurel

Proposal for a regulation
Article 31 – paragraph 6 – point a

Text proposed by the Commission

Amendment

(a) *it does not have access to the data;* *deleted*

Or. fr

Amendment 983
Stéphane Séjourné

Proposal for a regulation
Article 31 – paragraph 6 – point a

Text proposed by the Commission

Amendment

(a) *it does not have access to the data;*

(a) *in case of request under paragraph 1, a very large online platform does not have and cannot obtain with reasonable effort access to the data;*

Or. en

Amendment 984
Emmanuel Maurel

Proposal for a regulation
Article 31 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) *giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.*

deleted

Or. fr

Amendment 985
Stéphane Séjourné

Proposal for a regulation
Article 31 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) **giving** access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.

(b) **in case of request under paragraph 2, a very large online platform does not have access to the data or providing** access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.

Or. en

Amendment 986
Emmanuel Maurel

Proposal for a regulation
Article 31 – paragraph 7

Text proposed by the Commission

Amendment

7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.

deleted

The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.

Or. fr

Amendment 987
Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 31 – paragraph 7 – subparagraph 1

Text proposed by the Commission

Amendment

The Digital Services Coordinator *of establishment* or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.

The *interested* Digital Services Coordinator or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.

Or. en

Amendment 988
Stéphane Séjourné

Proposal for a regulation
Article 31 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Upon completion of the research envisaged in Article 31(2), the vetted researchers shall make their research publicly available, taking into account the rights and interests of the recipients of the service concerned in compliance with Regulation (EU) 2019/679.

Or. en

Amendment 989
Stéphane Séjourné

Proposal for a regulation
Article 31 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Digital Service Coordinators and the Commission shall, once a year, report the following information:

(a) the number of requests made to them as referred to in paragraphs 1 and 2;

(b) the number of such requests that have been declined by the Digital Service

Coordinator or the Commission and the reasons for which they have been declined;

(c) the number of such requests that have been declined by the Digital Service Coordinator or the Commission, including the reasons for which they have been declined, following a request to the Digital Service Coordinator or the Commission from a very large online platform to amend a request as referred to in paragraphs 1 and 2.

Or. en

Amendment 990
Emmanuel Maurel

Proposal for a regulation
Article 32 – paragraph 1

Text proposed by the Commission

1. *Very* large online platforms shall appoint one or more compliance officers responsible for monitoring their compliance with this Regulation.

Amendment

1. Large online platforms shall appoint one or more compliance officers responsible for monitoring their compliance with this Regulation.

Or. fr

Amendment 991
Emmanuel Maurel

Proposal for a regulation
Article 32 – paragraph 2

Text proposed by the Commission

2. *Very* large online platforms shall only designate as compliance officers persons who have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 3. Compliance officers may either be staff members of, or fulfil those tasks on the basis of a contract with, the

Amendment

2. Large online platforms shall only designate as compliance officers persons who have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 3. Compliance officers may either be staff members of, or fulfil those tasks on the basis of a contract with, the

very large online platform concerned.

very large online platform concerned.

Or. fr

Amendment 992

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 32 – paragraph 3 – point a

Text proposed by the Commission

(a) cooperating with the Digital Services ***Coordinator of establishment*** and the Commission for the purpose of this Regulation;

Amendment

(a) cooperating with the Digital Services ***Coordinators*** and the Commission for the purpose of this Regulation;

Or. en

Amendment 993

Emmanuel Maurel

Proposal for a regulation

Article 32 – paragraph 4

Text proposed by the Commission

4. ***Very*** large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.

Amendment

4. Large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.

Or. fr

Amendment 994

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 32 – paragraph 5

Text proposed by the Commission

5. Very large online platforms shall ***communicate*** the name and contact details

Amendment

5. Very large online platforms shall ***make public*** the name and contact details

of the compliance officer *to the Digital Services Coordinator of establishment and the Commission.*

of the compliance officer.

Or. en

Amendment 995
Emmanuel Maurel

Proposal for a regulation
Article 32 – paragraph 5

Text proposed by the Commission

5. *Very* large online platforms shall communicate the name and contact details of the compliance officer to the Digital Services Coordinator of establishment and the Commission.

Amendment

5. Large online platforms shall communicate the name and contact details of the compliance officer to the Digital Services Coordinator of establishment and the Commission.

Or. fr

Amendment 996
Emmanuel Maurel

Proposal for a regulation
Article 32 – paragraph 6

Text proposed by the Commission

6. *Very* large online platforms shall support the compliance officer in the performance of his or her tasks and provide him or her with the resources necessary to adequately carry out those tasks. The compliance officer shall directly report to the highest management level of the platform.

Amendment

6. Large online platforms shall support the compliance officer in the performance of his or her tasks and provide him or her with the resources necessary to adequately carry out those tasks. The compliance officer shall directly report to the highest management level of the platform.

Or. fr

Amendment 997
Emmanuel Maurel

Proposal for a regulation

Article 33 – title

Text proposed by the Commission

Transparency reporting obligations for **very** large online platforms

Amendment

Transparency reporting obligations for large online platforms

Or. fr

Amendment 998

Emmanuel Maurel

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

1. **Very** large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months.

Amendment

1. Large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months.

Or. fr

Amendment 999

Emmanuel Maurel

Proposal for a regulation

Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

2. In addition to the reports provided for in Article 13, **very** large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):

Amendment

2. In addition to the reports provided for in Article 13, large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):

Or. fr

Amendment 1000

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 33 – paragraph 2 – introductory part

Text proposed by the Commission

2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available and transmit to the Digital Services **Coordinator of establishment** and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):

Amendment

2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available and transmit to the Digital Services **Coordinators** and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):

Or. en

Amendment 1001

Patrick Breyer

Proposal for a regulation

Article 33 – paragraph 2 – point a

Text proposed by the Commission

(a) a report setting out the results of the **risk** assessment pursuant to Article 26;

Amendment

(a) a report setting out the results of the **impact** assessment pursuant to Article 26;

Or. en

Amendment 1002

Patrick Breyer

Proposal for a regulation

Article 33 – paragraph 2 – point b

Text proposed by the Commission

(b) the related **risk** mitigation measures identified and implemented pursuant to Article 27;

Amendment

(b) the related mitigation measures identified and implemented pursuant to Article 27;

Amendment 1003

Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné

Proposal for a regulation

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The reports shall include content moderation broken down per Member State in which the services are offered and in the Union as a whole and shall be published in the official languages of the Member States of the Union.

Or. en

Amendment 1004

Emmanuel Maurel

Proposal for a regulation

Article 33 – paragraph 3

Text proposed by the Commission

Amendment

3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 might result in the disclosure of confidential information of that platform or of the recipients of the service, might cause significant vulnerabilities for the security of its service, might undermine public security or might harm recipients, the platform may remove such information from the reports. In that case, that platform shall transmit the complete reports to the Digital Services Coordinator of establishment and the Commission, accompanied by a statement of the reasons for removing the information from the public reports. **deleted**

Or. fr

Amendment 1005

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 33 – paragraph 3

Text proposed by the Commission

3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. In that case, that platform shall transmit the complete reports to the Digital Services **Coordinator of establishment** and the Commission, accompanied by a statement of the reasons for removing the information from the public reports.

Amendment

3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. In that case, that platform shall transmit the complete reports to the Digital Services **Coordinators** and the Commission, accompanied by a statement of the reasons for removing the information from the public reports.

Or. en

Amendment 1006

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose, Brando Benifei

Proposal for a regulation

Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33a

Interoperability

1. ***Very large online platforms shall offer interoperability of industry-standard features of their services to other online platforms by creating easily accessible application programming interfaces.***
2. ***Very large online platforms may***

only temporarily limit access to interoperability features in case of provable abuse by a third-party provider or when justified by an immediate requirement to address a technical issue such as a serious security vulnerability.

3. In accordance with Union legislation on standardisation, the Commission shall request European standardisation bodies to develop the necessary technical standards for interoperability such as protocol interoperability and data interoperability and portability.

4. The Commission shall be empowered to review the implementation of these obligations by very large online platforms, adopt implementing measures specifying the nature and scope of the obligations, and provide updateable definitions of industry-standard features where necessary.

5. This Article is without prejudice to any limitations and restrictions set out in Regulation (EU) 2016/679.

Or. en

Amendment 1007
Patrick Breyer

Proposal for a regulation
Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33a

Interoperability

1. By 31 December 2024 very large online platforms shall make the main functionalities of their services interoperable with other online platforms to enable cross-platform exchange of information. This obligation shall not limit, hinder or delay their ability to solve security issues. The cross-platform

exchange of information shall require the informed consent of the recipients exchanging information. Online platforms shall not process information obtained for the purpose of cross-platform information exchange for other purposes. Very large online platforms shall publicly document all application programming interfaces they make available.

2. The Commission shall adopt implementing acts specifying the nature and scope of the obligations set out in paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.

Or. en

Justification

The concentration of power with a few large social media platforms means users have limited choice, particularly on issues of privacy, accessibility, and free expression. Some very large online platforms have been criticised for years for privacy breaches and violations of data protection law, for security flaws, error-prone upload-filtering and consumer-hostile terms and conditions. Yet many users do not have a real choice to switch to privacy-friendly and secure alternative platforms because they are locked in to the dominant platforms to be able to receive essential messages related to their work, education etc. When new platforms become popular this only creates a new lock-in situation. In order to overcome the lock-in effect of closed platforms and to ensure competition (including on data protection and security) and consumer choice, users of very large platforms shall be given the ability to access cross-platform interaction via open interfaces (interconnectivity). Parliament has advocated ensuring appropriate levels of interoperability for systemic operators (resolution 2020/2018(INL), par. 81) and called for a requirement for platforms with significant market power to provide an application programming interface, through which third-party platforms and their users can interoperate with the main functionalities and users of the platform (Annex to resolution 2020/2019(INL)). Among the main functionalities can be the ability to request information from certain accounts (subscriptions), to share provided content and react to it. The interoperability obligation does not prevent platforms from offering additional and new functions to their users.

Amendment 1008

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 34 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;* ***deleted***

Or. en

Amendment 1009

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation

Article 34 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) *transmission of data between advertising intermediaries in support of transparency obligations pursuant to points (b) and (c) of Article 24.* ***deleted***

Or. en

Amendment 1010

Karen Melchior, Liesje Schreinemacher, Hilde Vautmans, Stéphane Séjourné

Proposal for a regulation

Article 34 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall support and promote the development and implementation of standards set by relevant European and international standardisation bodies, subject to transparent, multi-stakeholder and inclusive processes in line with Regulation (EU) 1025/2012, for the protection and promotion of the rights of the child, observance of which, once adopted will be mandatory for very large online platforms, at least for the following:

- (a) Age assurance and age verification;*
- (b) Child impact assessments;*
- (c) Child-centred and age-appropriate design;*
- (d) Child-centred and age-appropriate terms and conditions.*

Or. en

Amendment 1011

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose

Proposal for a regulation

Article 34 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Absence of agreement on voluntary industry standards shall not prevent the applicability or implementation of any measures outlined in this regulation.

Or. en

Amendment 1012

Emmanuel Maurel

Proposal for a regulation

Article 35

Text proposed by the Commission

Amendment

Article 35

deleted

Codes of conduct

1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with

Union law, in particular on competition and the protection of personal data.

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.

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

Amendment 1013
Stéphane Séjourné

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

Amendment

1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content **as defined in Union and national law** and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

Or. en

Amendment 1014
Kosma Złotowski

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

1. The Commission and the Board shall **encourage** and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

Amendment

1. The Commission and the Board shall **have the right to request** and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.

Or. en

Amendment 1015

Patrick Breyer

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

1. The Commission and the Board **shall encourage and** facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and **systemic risks**, in accordance with Union law, in particular on competition and the protection of personal data.

Amendment

1. The Commission and the Board **may** facilitate the drawing up of **voluntary** codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and **adverse impacts**, in accordance with Union law, in particular on competition and the protection of personal data.

Or. en

Justification

It is not the purpose of legislation to encourage non-legislative "soft law" which evades democratic and judicial scrutiny. The purpose of regulating "soft law" should be to ensure accountability and transparency where this instrument is used.

Amendment 1016

Axel Voss, Andrzej Halicki, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the

Amendment

2. Where significant systemic risk within the meaning of Article 26(1) **in relation to the dissemination of illegal content** emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society

drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

Amendment 1017

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Amendment

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission, ***in agreement with the Board***, may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

Amendment 1018

Kosma Zlotowski

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. Where significant systemic risk

Amendment

2. Where significant systemic risk

within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission *may invite* the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission *shall request* the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

Amendment 1019

Axel Voss, Andrzej Halicki, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other *interested parties*, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Amendment

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other *relevant stakeholders*, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

Amendment 1020

Patrick Breyer

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

2. Where significant **systemic risk** within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Amendment

2. Where significant **adverse impacts** within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Or. en

Amendment 1021
Stéphane Séjourné

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

2. Where **significant** systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **may** invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Amendment

2. Where systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **shall** invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

Amendment 1022**Patrick Breyer****Proposal for a regulation****Article 35 – paragraph 3***Text proposed by the Commission**Amendment*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

deleted

Or. en

Justification

In view of the voluntary or only project-related structures of civil society organisations, they are generally financially not in a position to participate on a longer lasting basis. See proposed Article 37a (new)

Amendment 1023**Karen Melchior, Stéphane Séjourné****Proposal for a regulation****Article 35 – paragraph 3***Text proposed by the Commission**Amendment*

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall *aim to* ensure that the codes of conduct

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall ensure that the codes of conduct clearly set

clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also *aim to* ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of *establishment on* any measures taken and their outcomes, as measured against the key performance indicators that they contain.

out their objectives, contain *a set of harmonised* key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of any measures taken and their outcomes, as measured against the key performance indicators that they contain *in order to facilitate effective cross-platform monitoring*

Or. en

Amendment 1024

Axel Voss, Andrzej Halicki, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of *all interested parties*, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

Amendment

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives *in relation to the dissemination of illegal content*, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of *the relevant stakeholders*, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

Or. en

Amendment 1025

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 35 – paragraph 3

Text proposed by the Commission

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and *their respective* Digital Service Coordinators *of establishment* on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

Amendment

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and *the* Digital Service Coordinators on any measures taken and their outcomes, as measured against the key performance indicators that they contain.

Or. en

Amendment 1026

Karen Melchior, Stéphane Séjourné

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. *They shall* publish their conclusions.

Amendment

4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives, *and* publish their conclusions. *Furthermore, they shall ensure that there is common alert mechanism managed at EU level to allow for real-time and coordinated responses.*

Amendment 1027

Patrick Breyer

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

4. The Commission and the Board **shall** assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and **shall** regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.

Amendment

4. The Commission and the Board **may** assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and **may** regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.

Or. en

Amendment 1028

Stéphane Séjourné

Proposal for a regulation

Article 35 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1029

Patrick Breyer

Proposal for a regulation
Article 35 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1030
Emmanuel Maurel

Proposal for a regulation
Article 36

Text proposed by the Commission

Article 36

Codes of conduct for online advertising

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

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

Amendment

deleted

that the codes of conduct address at least:

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

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

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

Or. fr

Amendment 1031
Raffaele Stancanelli

Proposal for a regulation
Article 36 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Setting up a common/unique identifier would provide for additional transparency in the

online advertising value-chain and enhance the traceability of advertising campaigns.

Amendment 1032

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation Article 36 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of *Article 30 and Article 6 of Directive 2000/31/EC*.

Or. en

Amendment 1033

Patrick Breyer

Proposal for a regulation Article 36 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 1034

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation**Article 36 – paragraph 2 – introductory part***Text proposed by the Commission*

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

Amendment

2. The Commission shall aim to ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure that the codes of conduct address at least ***the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.***

Amendment 1035

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation**Article 36 – paragraph 2 – point a***Text proposed by the Commission*

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

Amendment

deleted

Amendment 1036

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda

Proposal for a regulation

Article 36 – paragraph 2 – point b

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 1037

Raffaele Stancanelli

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Setting up a common/unique identifier would provide for additional transparency in the online advertising value-chain and enhance the traceability of advertising campaigns.

Amendment 1038

Karen Melchior, Stéphane Séjourné

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1039

Patrick Breyer

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 1040

Stéphane Séjourné

Proposal for a regulation

Article 36 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 1041
Stéphane Séjourné

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1042
Karen Melchior, Liesje Schreinemacher, Hilde Vautmans, Stéphane Séjourné

Proposal for a regulation
Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36a

Codes of conduct for the protection of minors

- 1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between online platforms and other relevant services providers and organisations representing minors, parents and civil society organisations or relevant authorities to further contribute to the protection of minors on online.**
- 2. The Commission shall aim to ensure that the codes of conduct pursue an effective protection of minors online, which respects their right as enshrined in Article 24 of the Charter and the UN Convention on the Rights of the Child, and detailed in the United Nations Committee on the Rights of the Child General comment No. 25 as regards the**

digital environment. The Commission shall aim to ensure that the codes of conduct address at least:

(a) Age verification and age assurance models, taking into account the industry standards referred to in article 34.

(b) Child-centred and age-appropriate design, taking into account the industry standards referred to in article 34.

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

Or. en

Amendment 1043
Emmanuel Maurel

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

[...]

deleted

Or. fr

Amendment 1044
Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 1045

Patrick Breyer

Proposal for a regulation

Article 37 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1046

Patrick Breyer

Proposal for a regulation

Article 37 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1047

Patrick Breyer

Proposal for a regulation

Article 37 – paragraph 3

Text proposed by the Commission

3. The Commission may involve, as

Amendment

3. The Commission may involve, as

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

appropriate, Member States' authorities and Union bodies, offices and agencies in drawing up, testing and supervising the application of the crisis protocols.

Or. en

Justification

See proposed Article 37a (new).

Amendment 1048
Patrick Breyer

Proposal for a regulation
Article 37 a (new)

Text proposed by the Commission

Amendment

Article 37a

Accountability and transparency

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

(a) consider the appropriateness of proposing legislation;

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

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

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

2. The Commission shall subsequently publish the elements of the envisaged code which it intends to

propose or advocate in the negotiations. It shall not propose or advocate elements which the European Parliament or the Council object to or which have not been subject to the process set out in paragraph 1.

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

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

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

Or. en

Justification

As regards the proposal where the Commission shall offer compensation to non-profit participants (paragraph 3): In view of the voluntary or only project-related structures of civil society organisations, they are generally financially not in a position to participate on a longer lasting basis.

Amendment 1049

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that their Digital Services Coordinators are informed by the relevant national, local and regional authorities on the diversity of platform sectors and issues covered by this Regulation;

Or. en

Amendment 1050

Karen Melchior

Proposal for a regulation

Article 38 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1051

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 1052

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

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

Amendment

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

With regard to very large online platforms that offer services in the Union, Member States where individuals or representative organisations received their services shall have jurisdiction.

Or. en

Amendment 1053

Karen Melchior, Stéphane Séjourné

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III and IV of this Regulation ***and final jurisdiction as to disputes on orders issued under Article 8 and 9.***

Or. en

Amendment 1054

Stéphane Séjourné

Proposal for a regulation

Article 40 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By way of derogation from paragraph 1, the Member State in which

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

Or. en

Amendment 1055
Kosma Zlotowski

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1056
Stéphane Séjourné

Proposal for a regulation
Article 40 – paragraph 4

Text proposed by the Commission

Amendment

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

4. Paragraphs *I*, *1a*, 2 and 3 are without prejudice to **Article 43(2)**, the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the

Amendment 1057

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 40 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The provisions of this article are without prejudice to the relevant consumer protection jurisdiction under the applicable Union and national law.

Amendment 1058

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda

Proposal for a regulation

Article 41 – paragraph 2 – point e

Text proposed by the Commission

Amendment

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

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

Amendment 1059

Stéphane Séjourné

Proposal for a regulation

Article 41 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Following request to the

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

Or. en

Amendment 1060

Axel Voss, Andrzej Halicki, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation by providers of intermediary services under their jurisdiction and shall take all the necessary measures to ensure that they are implemented in accordance with Article 41.

Amendment

1. Member States shall lay down the rules on penalties ***including administrative fines*** applicable to infringements of this Regulation by providers of intermediary services under their jurisdiction and shall take all the necessary measures to ensure that they are ***properly and effectively*** implemented in accordance with Article 41.

Or. en

Amendment 1061

Axel Voss, Andrzej Halicki, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

2. Penalties shall be effective, proportionate and dissuasive. Member

Amendment

2. Penalties shall be effective, proportionate and dissuasive. ***They shall***

States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.

take into particular account the interest of small scale providers and start ups and their economic viability. Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.

Or. en

Amendment 1062
Emmanuel Maurel

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

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

Amendment

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

If the offence is repeated, suspension and then prohibition of access to the European market must be considered.

Or. fr

Amendment 1063
Emmanuel Maurel

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

Amendment

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

3. Member States shall ensure that the amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall **correspond to 10%** of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed **5%** of the annual income or turnover of the provider concerned.

Or. fr

Amendment 1064
Patrick Breyer

Proposal for a regulation
Article 43 – title

Text proposed by the Commission

Right to lodge a complaint

Amendment

Right to lodge a complaint **and right to an effective judicial remedy**

Or. en

Amendment 1065
Emmanuel Maurel

Proposal for a regulation
Article 43 – title

Text proposed by the Commission

Right to lodge a complaint

Amendment

Right to lodge a complaint **and right to judicial remedy**

Or. fr

Amendment 1066

Kosma Zlotowski

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

Text proposed by the Commission

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

Amendment

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

Or. en

**Amendment 1067
Emmanuel Maurel**

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

Text proposed by the Commission

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

Amendment

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established ***or with any legal or***

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

natural person with an interest in acting as a trusted flagger. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority ***and shall inform the person who submitted the complaint.***

Or. fr

Amendment 1068

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

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

Amendment

Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate ***and where providers are not qualified under Article 25,*** transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.

Or. en

Amendment 1069

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti

Proposal for a regulation
Article 43 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Reporting persons within the meaning of Article 4 of Directive (EU) 2019/1937 shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the reporting person resides. Such complaints shall be treated with priority by the Digital Services Coordinator and shall, where appropriate, be transmitted to the Digital Service Coordinator of the establishment of the provider of the intermediary service concerned.

Or. en

Amendment 1070
Kosma Zlotowski

Proposal for a regulation
Article 43 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1071

Patrick Breyer

**Proposal for a regulation
Article 43 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

Without prejudice to any other administrative or non-judicial remedy, each natural or legal person shall have the right to an effective judicial remedy against a legally binding decision of a Digital Services Coordinator concerning them.

Or. en

Justification

Subject to discussion on JURI competences. A person concerned by a binding decision of a Digital Services Coordinator should have the right to judicial remedy. The same should apply where a complaint is not acted upon. The proposed text is inspired by Article 78 GDPR.

**Amendment 1072
Stéphane Séjourné**

**Proposal for a regulation
Article 43 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

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

Or. en

**Amendment 1073
Patrick Breyer**

**Proposal for a regulation
Article 43 – paragraph 1 b (new)**

Text proposed by the Commission

Amendment

Without prejudice to any other administrative or non-judicial remedy, each recipient shall have the right to an effective judicial remedy where the competent Digital Services Coordinator does not handle a complaint or does not inform the recipient within three months on the progress or outcome of the complaint lodged pursuant to paragraph 1.

Or. en

Justification

Subject to discussion on JURI competences. A person concerned by a binding decision of a Digital Services Coordinator should have the right to judicial remedy. The same should apply where a complaint is not acted upon. The proposed text is inspired by Article 78 GDPR.

Amendment 1074

Stéphane Séjourné, Adrián Vázquez Lázara

Proposal for a regulation

Article 43 a (new)

Text proposed by the Commission

Amendment

Article 43a

Rights to effective judicial remedies

- 1. Without prejudice to any available administrative or non-judicial remedy, any recipient of the service or representative organisations shall have the right to an effective judicial remedy where he or she suffered harm as a result of an infringement of Articles 26(1) and 27(1).*
- 2. In determining whether the very large online platform has complied with its obligations under Article 27(1), and in light of the principle of proportionality, the availability of suitable and effective measures shall be taken into account.*
- 3. Such proceedings may be brought before the courts of the Member State where the recipient of the service has his*

or her habitual residence.

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

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

Or. en

Amendment 1075
Emmanuel Maurel

Proposal for a regulation
Article 44 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. fr

Amendment 1076
Kosma Złotowski

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1077

Patrick Breyer

Proposal for a regulation

Article 44 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1078

Kosma Złotowski

Proposal for a regulation

Article 44 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Based on the information published by Digital Services Coordinators, the Commission shall submit to the European Parliament and to

the Council a dedicated biennial report analysing the aggregated data on orders referred to in Articles 8, 8a and 9 and issued by the Digital Services Coordinators, with a special attention being paid to potential abusive use of these Articles. The report shall provide a comprehensive overview of the orders to act against illegal content and it shall provide, for a specific period of time, the possibility to assess the activities of Digital Services Coordinators.

Or. en

Amendment 1079
Kosma Złotowski

Proposal for a regulation
Article 44 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1080
Stéphane Séjourné

Proposal for a regulation
Article 45 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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

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

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

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

Or. en

Amendment 1081

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 45 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1082

Kosma Złotowski

Proposal for a regulation

Article 45 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Amendment 1083
Stéphane Séjourné

Proposal for a regulation
Article 45 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1084
Raffaele Stancanelli

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

Text proposed by the Commission

Amendment

2a. Member States shall introduce expedited procedures under which an order granted by a court or competent administrative authority in another Member State against a provider of intermediary services whose services are used to disseminate illegal content, can be used as a basis for court or administrative order in the Member State against similar providers of intermediary services whose service are used to disseminate the same illegal content. National Digital Services Coordinators shall make public decisions by judicial or administrative authorities provided to them by other Digital Services Coordinators under Article 8 of this Regulation.

Or. en

Justification

National Courts or competent administrative authorities should accept as prima facie evidence decisions from other Member States which establish that it is lawful and proportionate to order providers of intermediary services to disable access from recipient of their services to websites that disseminate illegal goods, digital content, or services. Following receipt of copies of such orders from other Member States, Digital Services Coordinators should provide assistance in such processes

Amendment 1085 **Kosma Złotowski**

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

Text proposed by the Commission

Amendment

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

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

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

Or. en

Amendment 1086 **Stéphane Séjourné**

Proposal for a regulation **Article 45 – paragraph 3**

Text proposed by the Commission

Amendment

3. The Digital Services Coordinator of establishment shall take into utmost account the request **or recommendation** pursuant to paragraph 1. Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, **or** the Board, could provide additional

3. The Digital Services Coordinator of establishment shall take into utmost account the request pursuant to paragraph 1 **and assess the matter in view of taking specific investigatory or enforcement measures to ensure compliance without undue delay.** Where it considers that it has insufficient information to act upon the request or recommendation and has reasons

information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.

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

Or. en

Amendment 1087

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation Article 45 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1088

Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné

Proposal for a regulation Article 45 – paragraph 4

Text proposed by the Commission

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or

Amendment

4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or

recommendation, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of **any** investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.

recommendation, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of ***the result of the*** investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation. ***The Digital Services Coordinator shall at least conduct a preliminary assessment of the issue raised.***

Or. en

Amendment 1089
Stéphane Séjourné

Proposal for a regulation
Article 45 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1090
Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 45 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1091
Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 45 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1092
Stéphane Séjourné

Proposal for a regulation
Article 45 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1093
Stéphane Séjourné

Proposal for a regulation
Article 45 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1094

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 45 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1095
Stéphane Séjourné

Proposal for a regulation
Article 45 – paragraph 7

Text proposed by the Commission

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

Amendment

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

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

Or. en

Amendment 1096
Kosma Złotowski

Proposal for a regulation
Article 45 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 1097
Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 45 – paragraph 7

Text proposed by the Commission

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

Amendment

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

measures taken within two months from that request.

within two months from that request.

Or. en

Amendment 1098
Stéphane Séjourné

Proposal for a regulation
Article 46 – title

Text proposed by the Commission

Amendment

Joint investigations and requests for Commission intervention

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

Or. en

Amendment 1099
Stéphane Séjourné

Proposal for a regulation
Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1100
Stéphane Séjourné

Proposal for a regulation
Article 46 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

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

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

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

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

(d) to request interim measures, as referred to in Article 41(2)(e);

Or. en

Amendment 1101
Stéphane Séjourné

Proposal for a regulation
Article 46 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1102
Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 46 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 1103
Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Pascal

Arimont

Proposal for a regulation
Article 47 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) contributing to the effective application of Directive 2000/31/EC Article 3 to prevent fragmentation of the digital single market and the obligations of very large platforms of Article 5 of the Platform to Business Regulation 2019/1150

Or. en

Amendment 1104
Kosma Złotowski

Proposal for a regulation
Article 48 – paragraph 6

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 1105
Stéphane Séjourné

Proposal for a regulation
Article 49 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) issue specific recommendations for the implementation of Article 27 and advise on possible application of sanctions in case of repeated non-compliance;

Or. en

Amendment 1106
Kosma Zlotowski

Proposal for a regulation
Article 49 – paragraph 1 – point d

Text proposed by the Commission

(d) advise the Commission to take the measures referred to in Article 51 and, **where requested by the Commission**, adopt opinions on **draft Commission measures** concerning very large online platforms in accordance with this Regulation;

Amendment

(d) advise the Commission to take the measures referred to in Article 51 and, adopt opinions on **issues** concerning very large online platforms in accordance with this Regulation;

Or. en

Amendment 1107
Emmanuel Maurel

Proposal for a regulation
Article 49 – paragraph 1 – point d

Text proposed by the Commission

(d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning **very** large online platforms in accordance with this Regulation;

Amendment

(d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning large online platforms in accordance with this Regulation;

Or. fr

Amendment 1108
Kosma Zlotowski

Proposal for a regulation
Article 49 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) issue opinions, recommendations

or advice on matters related to Article 34.

Or. en

Amendment 1109
Emmanuel Maurel

Proposal for a regulation
Chapter IV – Section 3 – title

Text proposed by the Commission

3 Supervision, investigation, enforcement and monitoring in respect of **very** large online platforms

Amendment

3 Supervision, investigation, enforcement and monitoring in respect of large online platforms

Or. fr

Amendment 1110
Emmanuel Maurel

Proposal for a regulation
Article 50 – title

Text proposed by the Commission

Enhanced supervision for **very** large online platforms

Amendment

Enhanced supervision for large online platforms

Or. fr

Amendment 1111
Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 50 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where **the** Digital Services Coordinator **of establishment** adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it

Amendment

1. Where **a** Digital Services Coordinator adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the

shall make use of the enhanced supervision system laid down in this Article. It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.

enhanced supervision system laid down in this Article. It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.

Or. en

Amendment 1112

Karen Melchior, Ivars Ijabs, Samira Rafaela, Hilde Vautmans, Michal Šimečka, Stéphane Séjourné

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, **may**, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within **a reasonable time period**.

Amendment

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, **shall**, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision **without undue delay and in any event** within **two months**.

Or. en

Amendment 1113

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, **may**, where it has reasons to

Amendment

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, **may**, where it has reasons to

suspect that a very large online platform infringed any of those provisions, recommend *the Digital Services Coordinator of establishment* to investigate the suspected infringement with a view to *that* Digital Services Coordinator adopting such a decision within a reasonable time period.

suspect that a very large online platform infringed any of those provisions, recommend to investigate the suspected infringement with a view to *the interested* Digital Services Coordinator(s) adopting such a decision within a reasonable time period.

Or. en

Amendment 1114
Stéphane Séjourné

Proposal for a regulation
Article 50 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *may*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.

Amendment

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *shall*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.

Or. en

Amendment 1115
Emmanuel Maurel

Proposal for a regulation
Article 50 – paragraph 2

Text proposed by the Commission

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online

Amendment

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online

platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. ***The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.***

platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement.

Or. fr

Amendment 1116
Patrick Breyer

Proposal for a regulation
Article 50 – paragraph 2

Text proposed by the Commission

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. ***The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.***

Amendment

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement.

Or. en

Justification

Subject to discussion on JURI competences. Codes of conduct lack democratic scrutiny and are not subject to legal review as to their compliance with fundamental rights.

Amendment 1117

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 50 – paragraph 2

Text proposed by the Commission

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, **the** Digital Services Coordinator of **establishment** shall request it to draw up and communicate to the Digital Services Coordinator **of establishment**, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.

Amendment

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, **a** Digital Services Coordinator shall request it to draw up and communicate to the Digital Services Coordinator, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.

Or. en

Amendment 1118

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 50 – paragraph 3 – introductory part

Text proposed by the Commission

3. Within one month following receipt of the action plan, the Board shall communicate its opinion on the action plan to the Digital Services Coordinator **of establishment**. Within one month following receipt of that opinion, that Digital Services Coordinator shall decide whether the action plan is appropriate to terminate or remedy the infringement.

Amendment

3. Within one month following receipt of the action plan, the Board shall communicate its opinion on the action plan to the **relevant** Digital Services Coordinator. Within one month following receipt of that opinion, that Digital Services Coordinator shall decide whether the action plan is appropriate to terminate or remedy the infringement.

Or. en

Amendment 1119

Patrick Breyer

Proposal for a regulation

Article 50 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an **additional**, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within four months from the decision referred to in the first subparagraph. When requesting such an **additional** audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

Amendment

Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within four months from the decision referred to in the first subparagraph. When requesting such an audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

Or. en

Justification

Consequential change due to the proposed deletion of Article 28.

Amendment 1120

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 50 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Where **the** Digital Services Coordinator **of establishment** has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself

Amendment

Where **a** Digital Services Coordinator has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional,

to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

Or. en

Amendment 1121

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 50 – paragraph 4 – introductory part

Text proposed by the Commission

4. The Digital Services Coordinator *of establishment* shall communicate to the Commission, the Board and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

Amendment

4. The *interested* Digital Services Coordinator shall communicate to the Commission, the Board and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:

Or. en

Amendment 1122

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 50 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

Pursuant to that communication, the Digital Services Coordinator *of establishment* shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.

Pursuant to that communication, the Digital Services Coordinator shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.

Or. en

Amendment 1123
Stéphane Séjourné

Proposal for a regulation
Article 51 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, *may* initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Amendment

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, *shall* initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:

Or. en

Amendment 1124
Karen Melchior, Hilde Vautmans, Ivars Ijabs, Samira Rafaela, Michal Šimečka, Stéphane Séjourné

Proposal for a regulation
Article 51 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, *may* initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the

Amendment

1. The Commission, acting either upon the Board’s recommendation or on its own initiative after consulting the Board, *shall* initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the

relevant conduct by the very large online platform that:

relevant conduct by the very large online platform that:

Or. en

Amendment 1125

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 51 – paragraph 1 – point a

Text proposed by the Commission

(a) is suspected of having infringed any of the provisions of this Regulation and ***the*** Digital Services Coordinator ***of establishment did not take any*** investigatory or enforcement measures, pursuant to the request of the Commission referred to in Article 45(7), upon the expiry of the time period set in that request;

Amendment

(a) is suspected of having infringed any of the provisions of this Regulation and ***any*** Digital Services Coordinator ***did take*** investigatory or enforcement measures, pursuant to the request of the Commission referred to in Article 45(7), upon the expiry of the time period set in that request;

Or. en

Amendment 1126

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 51 – paragraph 1 – point b

Text proposed by the Commission

(b) is suspected of having infringed any of the provisions of this Regulation and ***the*** Digital Services Coordinator ***of establishment*** requested the Commission to intervene in accordance with Article 46(2), upon the reception of that request;

Amendment

(b) is suspected of having infringed any of the provisions of this Regulation and ***a*** Digital Services Coordinator requested the Commission to intervene in accordance with Article 46(2), upon the reception of that request;

Or. en

Amendment 1127

Stéphane Séjourné

Proposal for a regulation
Article 51 – paragraph 2 – introductory part

Text proposed by the Commission

2. **Where** the Commission **decides** to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Amendment

2. **When** the Commission **initiates** to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Or. en

Amendment 1128

Karen Melchior, Hilde Vautmans, Ivars Ijabs, Samira Rafaela, Michal Šimečka, Stéphane Séjourné

Proposal for a regulation
Article 51 – paragraph 2 – introductory part

Text proposed by the Commission

2. **Where the** Commission decides to **initiate** proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Amendment

2. **When** Commission decides to **initiates** proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.

Or. en

Amendment 1129

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 51 – paragraph 2 – subparagraph 1

Text proposed by the Commission

As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator **of establishment** concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66

Amendment

As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it

or any other measures that it may take at the request of the Commission.

may take at the request of the Commission.

Or. en

Amendment 1130
Kosma Złotowski

Proposal for a regulation
Article 52 – paragraph 1

Text proposed by the Commission

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

Amendment

1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, ***their legal representatives***, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.

Or. en

Amendment 1131
Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 54

Text proposed by the Commission

Article 54

Power to conduct on-site inspections

1. In order to carry out the tasks assigned to it under this Section, the Commission may conduct on-site inspections at the premises of the very

Amendment

deleted

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

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 57(2).

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

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

Or. en

Amendment 1132

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda

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

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 interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.

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.

Or. en

Amendment 1133

Patrick Breyer

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 *lawful* 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.

Or. en

Justification

Subject to discussion on JURI competences. The Commission shall make only lawful commitments binding.

Amendment 1134

Patrick Breyer

Proposal for a regulation

Article 56 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 1135

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal

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 1136

Alessandra Basso, Gunnar Beck, Gilles Lebreton

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 1137

Alessandra Basso, Gunnar Beck, Gilles Lebreton

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 1138

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda

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 negligently:

Or. en

Amendment 1139

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation
Article 59 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 1140

Alessandra Basso, Gunnar Beck, Gilles Lebreton

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 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 1141

Alessandra Basso, Gunnar Beck, Gilles Lebreton

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 1142

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 61 – paragraph 3 – point b

Text proposed by the Commission

(b) on-site inspection;

Amendment

deleted

Or. en

Amendment 1143

Alessandra Basso, Gunnar Beck, Gilles Lebreton

Proposal for a regulation

Article 65 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been 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

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

Or. en

Amendment 1144

Patrick Breyer

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 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:

⁵² [Reference]

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 *12, 13, 14, 15*, 17, 18 and 19 on their behalf, provided the body, organisation or association meets all of the following conditions:

⁵² [Reference]

Or. en

Justification

This important Article will allow representatives to enforce user rights by means of collective redress, but its scope needs to include the provisions protecting against arbitrary removal and providing for transparency.

Amendment 1145

Kosma Złotowski

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 1146

Kosma Złotowski

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 1147
Kosma Zlotowski

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 1148
Kosma Zlotowski

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 1149

Kosma Złotowski

Proposal for a regulation

Article 73 – paragraph 4

Text proposed by the Commission

Amendment

4. By three years from the date of application of this Regulation at the latest, the Commission, after consulting the Board, shall carry out an assessment of the functioning of the Board and shall report it to the European Parliament, the Council and the European Economic and Social Committee, taking into account the first years of application of the Regulation. On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation with regard to the structure of the Board.

deleted

Or. en

Amendment 1150

Kosma Złotowski

Proposal for a regulation

Article 74 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 1151

Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal, Daniel Buda

Proposal for a regulation
Article 74 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

2. It shall apply from **six** months after its entry into force.

Or. en