



**2020/0361(COD)**

19.7.2021

# **AMENDMENTS**

## **541 - 917**

**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 541**  
**Patrick Breyer**

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

*Text proposed by the Commission*

*Amendment*

***1a. Providers of intermediary services shall publish summary versions of their terms and conditions in clear, user-friendly and unambiguous language, and in an easily accessible and machine-readable format. Such a summary shall include information on remedies and redress mechanisms pursuant to Articles 17 and 18, where available. By 31 December 2024, the Commission shall, after consulting the Board and stakeholders, adopt implementing acts specifying a contract summary template to be used by the providers to fulfil their obligations under this article.***

Or. en

*Justification*

*Inspired by Electronic Communications Code.*

**Amendment 542**  
**Stéphane Séjourné**

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

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 543**

**Patrick Breyer**

**Proposal for a regulation**

**Article 12 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

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

*Justification*

*See Resolution 2020/2022(INI), par. 32, and Resolution 2020/2019(INL), par. 34. The further requirements specify what is meant by "fair". The term "non-arbitrary" is defined in case-law.*

**Amendment 544**

**Emmanuel Maurel**

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Providers of intermediary services shall not take down, disable or interfere in any other way with the editorial content and the services made available by a provider, which has editorial liability for that content and is subject to rules, which comply with Union and national law. This article shall not affect the possibility of an**

*independent judicial or administrative authority requiring the content provider to terminate or prevent a breach of applicable Union or national law.*

Or. fr

**Amendment 545**

**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**

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 546**

**Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Providers of intermediary services shall, when complying with the requirements of this Article, not be required to disclose algorithms or any information that, with reasonable**

*certainty, would result in the enabling of deception of consumers or consumer harm through the manipulation of their services. This Article shall be without prejudice to Directive (EU) 2016/943.*

Or. en

**Amendment 547**

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

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Providers of intermediary services shall provide recipients of services with a concise and easily readable summary of the terms and conditions. That summary shall identify the main elements of the information requirements, including the possibility of easily opting-out from optional clauses and the remedies available.*

Or. en

**Amendment 548**

**Patrick Breyer**

**Proposal for a regulation**

**Article 12 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. The terms and conditions of providers of intermediary services may exclude legal information from those services or otherwise limit the access to legal information or the access and other rights of those exchanging it only where objectively justified and on clearly defined grounds.*

*Justification*

*According to Resolution 2020/2022(INI), par. 33-34, removals of content should be in line with human rights standards and the blocking of legal content on the basis of terms and conditions shall be limited to the absolute minimum. In order to give practical effect to the fundamental right to freedom of expression, providers shall not be allowed to arbitrarily suppress legal content or act against those sharing it (e.g. by "de-platforming" them). The free exchange of opinions and information is essential to our society. Acting against legal content can be justified where content is incompatible with the purpose of the service or where it has significant negative effects.*

**Amendment 549****Kosma Złotowski****Proposal for a regulation****Article 12 – paragraph 2 a (new)***Text proposed by the Commission**Amendment*

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

Or. en

**Amendment 550****Kosma Złotowski****Proposal for a regulation****Article 12 – paragraph 2 b (new)***Text proposed by the Commission**Amendment*

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

*national legislation and shall be notified to the Commission.*

Or. en

**Amendment 551**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 12 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 552**

**Patrick Breyer**

**Proposal for a regulation**

**Article 12 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Terms and conditions of providers of intermediary services shall respect the essential principles of human rights as enshrined in the Charter and international law.***

Or. en

*Justification*

*According to Resolution 2020/2019(INL), par. 34, compliance with fundamental rights standards of terms and conditions imposed by intermediaries on the users of their services shall be subject to judicial review; terms unduly restricting users' fundamental rights, such as the right to privacy and to freedom of expression, shall not binding.*



**Amendment 553**  
**Kosma Zlotowski**

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

*Text proposed by the Commission*

*Amendment*

**2c. The Digital Services Coordinator of each Member State, by means of national legislation, may request a very large online platform to cooperate with the Digital Services Coordinator of the Member State in question in handling cases involving the removal of lawful content online that is taken down erroneously if there is reason to believe that the Member State's socio-cultural context may have played a vital role.**

Or. en

**Amendment 554**  
**Karen Melchior, Liesje Schreinemacher**

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

*Text proposed by the Commission*

*Amendment*

**2c. Providers of intermediary services shall not require recipients of the service other than traders to make their legal identity public in order to use the service.**

Or. en

**Amendment 555**  
**Patrick Breyer**

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

*Text proposed by the Commission*

*Amendment*

**2c. Terms that do not comply with this**

*Article shall not be binding on recipients.*

Or. en

*Justification*

*In line with the Unfair Contract Terms Directive 93/13/EEC, prohibited terms shall not be binding on the other contracting party. This ensures that the judiciary will decide on interpretation and legality of terms in the context of contractual litigation.*

**Amendment 556**

**Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 12 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

***2d. For providers other than very large online platforms, nothing in this Regulation shall prevent a provider of intermediary services from terminating the contractual relationship with its recipients without clause, in the situations provided for in the terms and conditions. Providers of a very large online platform shall issue a statement for the termination to the recipient, and the recipient shall have access to the internal complaint mechanism under Article 17 and the out-of-court mechanism under Article 18.***

Or. en

**Amendment 557**

**Kosma Złotowski**

**Proposal for a regulation**

**Article 12 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

***2d. Where very large online platforms within the meaning of Article 25 of this Regulation otherwise allow for the dissemination to the public of press***

*publications within the meaning of Article 2(4) of Directive (EU) 2019/790, such platforms shall not remove, disable access to, suspend or otherwise interfere with such content or the related service or suspend or terminate the related account on the basis of the alleged incompatibility of such content with its terms and conditions.*

Or. en

**Amendment 558**  
**Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 12a*

*Fair consent choice screens*

*1. Providers of intermediary services that ask the recipients of their service for consent as required by Regulation (EU) 2016/679 to collect or process personal data concerning them shall ensure that the end user choice screens shown to that end are designed in a fair and neutral manner and do not in any way subvert or impair user autonomy, decision-making, or choice via the choice screens' structure, function or manner of operation. In particular, providers shall refrain from:*

*(a) giving more visual prominence to any of the consent options when asking the recipient of the service for a decision;*

*(b) repeatedly requesting that a recipient of the service consents to data processing, regardless of the scope of purpose of such processing, especially by presenting a pop-up that interferes with user experience;*

*(c) urging a recipient of the service to change any setting or configuration of the*

*service after the person in question has already made her choice, including by the use of a technical standard in accordance with paragraph 3;*

*(d) making the procedure of cancelling a service more cumbersome than signing up to it.*

*2. The Commission may adopt implementing acts to prescribe binding design aspects and functions of consent choice screens that fulfil the requirements of paragraph 1.*

*3. Providers of intermediary services shall accept the communication of consent choices made by the recipient of the service through automated means, including through standardised digital signals sent by the recipient's software used to access the service such as web browsers and operating systems.*

*4. The Commission shall promote and facilitate the development of technical standards for the automated communication of consent choices through international and Union standardisation bodies. Where standardisation bodies fail to develop a workable technical standard, the Commission shall, not later than two years after entry into force of this Regulation, designate a binding technical standard for the purpose of paragraph 3.*

Or. en

**Amendment 559**

**Karen Melchior, Liesje Schreinemacher, Hilde Vautmans, Stéphane Séjourné**

**Proposal for a regulation**

**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 12a*

***General Risk Assessment and Mitigation***

## *Measures*

**1. Providers of intermediary services shall identify, analyse and assess, at least once a year and at each significant revision of a service they provide thereafter, the potential misuse or other risks stemming from the functioning and use made of their services in the Union. Such a general risk assessment shall be specific to each of their services and shall include at least risks related to the dissemination of illegal content through their services and any contents that might have a negative effect on potential recipients of the service, especially minors and gender equality.**

**2. Providers of intermediary services shall wherever possible, attempt to put in place reasonable, proportionate and effective mitigation measures to the risk identified in line with applicable law and their terms and conditions.**

**3. Where the identified risk relations to minor recipients of the service, without regard to if the minor is acting with respect to the terms and conditions, mitigation measures shall include, where needed and applicable:**

**(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions to ensure those prioritise the best interests of the minor;**

**(b) adapting or removing system design features that expose or promote to minors to content, contact, conduct and contract risks that impair the physical, mental or moral development;**

**(c) ensuring the highest levels of privacy, safety, consumer protection and security by design and default for individual recipients of the service under the age of 18.**

**(d) if a service is targeted at minors, provide child-friendly mechanisms for remedy and redress, including easy access**

*to expert advice and support.*

**4. Providers of intermediary services shall, upon request, explain to the competent Digital Services Coordinator, how it undertook this risk assessment and what mitigation measures it undertook.**

Or. en

## **Amendment 560**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

### **Proposal for a regulation**

#### **Article 12 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 12b**

##### ***Fair consent choice screens***

**1. Providers of intermediary services that ask the recipients of their service for consent as required by Regulation (EU) 2016/679 to process personal data concerning them shall ensure that the end user choice screens shown to that end are designed in a fair and neutral manner and do not in any way subvert or impair user autonomy, decision-making, or choice via the choice screens' structure, function or manner of operation.**

**2. A choice or decision made by the recipient of the service using an online interface or part thereof that does not comply with the requirements of paragraph 1 shall not constitute consent in the sense of Regulation (EU) 2016/679.**

**3. Paragraphs 1 and 2 shall also apply to consent given prior to the entry into force of this Regulation**

**4. The Commission may adopt implementing acts to prescribe binding design aspects and functions of consent choice screens that fulfil the requirements of paragraph 1.**

**5. Providers of intermediary services shall accept the communication of consent choices made by the recipient of the service through automated means, including through standardised digital signals sent by the recipient's software used to access the service such as web browsers and operating systems.**

**6. Providers of intermediary services shall respect the communication of choices made by the recipients of the service, including consent or withdrawal of consent to the processing of personal data, through automated means, such as through the settings of software placed on the market permitting electronic communications, including the retrieval and presentation of information on the internet. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions for automated means referred to above.**

**7. The Board, in cooperation with the Commission, shall publish official guidelines to indicate specific design patterns that qualify as subverting or impairing the autonomy, decision making, or choice of the recipients of the service. The Board shall keep this list updated in the light of technological developments and, in the case of very large online platforms, assessments related to systemic risks identified in accordance with Article 27(2).**

**8. The Commission may adopt implementing acts to prescribe the design and functions of online interfaces that facilitate expression of consent in the sense of Regulation (EU) 2016/679 or other choices that may be expressed by the recipients of the service. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. Before the adoption of any measures pursuant to this paragraph, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within**

*the time period set out therein, which shall not be less than two months.*

Or. en

**Amendment 561**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:

*Amendment*

1. Providers of intermediary services shall publish, at least once a year, clear, easily **accessible**, comprehensible, and detailed reports on any content moderation they engaged in during the relevant period. **The reports shall be available in searchable archives.** Those reports shall include, in particular, information on the following, as applicable:

Or. en

**Amendment 562**  
**Kosma Złotowski**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point a**

*Text proposed by the Commission*

**(a) *the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed for taking the action specified in those orders;***

*Amendment*

***deleted***

Or. en



### *Justification*

*This provision is duplicative with the article 44. The additional changes introduced in the article 44 sufficiently replace deleted part of the article 13.*

#### **Amendment 563**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

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

#### **Article 13 – paragraph 1 – point a**

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

(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed *for taking the action specified in those orders*;

##### *Amendment*

(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed *to inform the authority issuing the order of its receipt and the effect given to the order*;

Or. en

#### **Amendment 564**

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

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

#### **Article 13 – paragraph 1 – point a**

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

(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, *and the average time needed for taking the action specified in those orders*;

##### *Amendment*

(a) the number of orders received from Member States' authorities, categorised, *where possible*, by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9.

Or. en

#### **Amendment 565**

**Stéphane Séjourné, Adrián Vázquez Lázara**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;

*Amendment*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, ***the number of notices submitted by trusted flaggers***, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;

Or. en

**Amendment 566**

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

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, ***and the average time needed for taking the action;***

*Amendment*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider;

Or. en

**Amendment 567**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;

*Amendment*

(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average **and median** time needed for taking the action;

Or. en

**Amendment 568**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) Providers of intermediary services shall ensure that trade users are registered as such and not as private users and that they are subject to the obligations arising from this status.***

***To this end, providers of intermediary services must take account of the relevant criteria, in particular sales volumes and sales revenue, and any other relevant criteria based on national law.***

Or. fr

**Amendment 569**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that

(c) the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that

affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures;

affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures, ***as well as the measures taken to qualify content moderators and to ensure that non-infringing content is not affected;***

Or. en

#### **Amendment 570**

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

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

#### **Article 13 – paragraph 1 – point d**

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

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.

##### *Amendment*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, ***where identifiable***, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.

Or. en

#### **Amendment 571**

**Kosma Zlotowski**

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

#### **Article 13 – paragraph 1 – point d**

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

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average

##### *Amendment*

(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the

time needed for taking those decisions and the number of instances where those decisions were reversed.

average **and median** time needed for taking those decisions and the number of instances where those decisions were reversed.

Or. en

**Amendment 572**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Providers of intermediary services shall ensure that the identities of trade users providing goods or services on intermediary services are clearly visible alongside the goods or services provided.**

Or. fr

**Amendment 573**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 13 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. The information provided shall be broken down per Member State in which services are offered and in the Union as a whole.**

Or. en

**Amendment 574**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.**

**deleted**

Or. fr

#### **Amendment 575**

**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 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

***In addition, paragraph 1 shall not apply to enterprises that previously qualified for the status of a small or microenterprise within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that status.***

Or. en

#### **Amendment 576 Kosma Zlotowski**

#### **Proposal for a regulation Article 13 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within

the meaning of the Annex to Recommendation 2003/361/EC.

the meaning of the Annex to Recommendation 2003/361/EC. ***Following an additional individual risk assessment, the Digital Services Coordinator of establishment may extend the exemption to selected medium-sized enterprises within the meaning of the Annex to Recommendation 2003/361/EC.***

Or. en

#### **Amendment 577**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

#### **Proposal for a regulation Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC ***that are not controlled or owned by entities having their establishment outside the European Union.***

Or. en

#### **Amendment 578**

**Karen Melchior, Stéphane Séjourné**

#### **Proposal for a regulation Article 13 – paragraph 2**

*Text proposed by the Commission*

2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

2. Paragraph 1 ***and 1a*** shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

Or. en

**Amendment 579**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Where made available to the public, the annual transparency reports referred to in paragraph 1 shall not include information that may prejudice ongoing activities for the prevention, detection, or removal of illegal content or content counter to a hosting provider's terms and conditions.**

Or. en

**Amendment 580**

**Kosma Zlotowski**

**Proposal for a regulation**

**Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down specific templates of reports referred to in paragraph 1.**

Or. en

**Amendment 581**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose, Rasmus Andresen, Eva Kaili, Alexandra Geese, Kim Van Sparrentak, Lina Gálvez Muñoz, Evelyn Regner, Alex Agius Saliba, Maria-Manuel Leitão-Marques, Ismail Ertug, Marcel Kolaja, Paul Tang**

**Proposal for a regulation**

**Article 13 a (new)**



**Article 13a**

**Targeting of digital advertising**

- 1. Providers of intermediary services shall not collect or process personal data as defined by Regulation (EU) 2016/679 for the purpose of displaying digital advertising to a specific recipient or group of recipients.**
- 2. This provision shall not prevent intermediary services from displaying targeted digital advertising based on contextual information such as keywords, the language or the approximate geographical location of the recipient of the service to whom the advertisement is displayed.**
- 3. The use of the contextual information referred to in paragraph 2 shall only be permissible if the advertisement is displayed in real time and it does not allow for the direct or, by means of combining it with other information, indirect identification of a natural person or group of persons, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person or group of persons.**

Or. en

**Amendment 582**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 13 a (new)**

### ***Online interface design***

- 1. The use of dark patterns by providers of intermediary services when presenting options to or interacting with recipients of the service through their online interfaces is prohibited.***
- 2. A choice or decision made by the recipient of the service using online interfaces that do not comply with the requirements of paragraph 1 shall not constitute consent.***
- 3. The Commission shall publish official guidelines including a list of specific design patterns that qualify as subverting or impairing the autonomy, decision-making, or choice of the recipients of the service. The Commission shall keep this list updated in the light of technological developments and, in the case of very large online platforms, assessments related to adverse impacts identified in accordance with Article 27(2).***

Or. en

### ***Justification***

*In line with the definition in Article 2. The use of dark patterns should be prohibited for all intermediary services as all recipients of intermediary services should be equally protected from being manipulated into making choices or setting their preference to their own detriment and to the benefit of the service. At the same time, ensuring free, autonomous choice protects fair competition as well as consumer welfare. Finally, such a prohibition creates trust in the digital world, as it takes away the fear of being steered by manipulative practices.*

**Amendment 583**  
**Geoffroy Didier**

**Proposal for a regulation**  
**Article 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 13a***

***Providers of intermediary services shall ensure that the identity, such as the***

***trademark/logo or other characteristic traits, of the business user providing the goods or services on the intermediary services is clearly visible alongside the goods or services offered.***

Or. en

### *Justification*

*In order to enhance consumer protection, online safety and promote fairness among market participants, it is necessary that the DSA includes an obligation for intermediary service providers to clearly indicate the identity of the business user alongside the goods and services offered by the business user. This obligation is modelled on the Platform-to-Business Regulation and would be applicable to all intermediary service providers and not just online intermediation services (as per the P2B Regulation).*

*Ultimately, it would further reinforce the DSA's objectives of building a transparent and safe online environment, empowering consumers to easily identify the provider of goods or services (including in cases when goods or services are offered by the intermediary service provider) and ensuring that they have trust in the goods and services offered online.*

### **Amendment 584**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

### **Proposal for a regulation**

#### **Article 13 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 13b**

##### ***Online interface design***

***1. Providers of intermediary services shall refrain from subverting or impairing autonomous decision-making or free choice of a recipient of a service through the design, functioning or operation of online interfaces or a part thereof, such as but not limited to:***

***(a) according visual prominence to one option when asking the recipient of the service for consent or a decision;***

***(b) repeatedly requesting consent to data processing or requesting a change to a setting or configuration of the service after the recipient of the service has***

*already made her choice;*

*(c) making the procedure of cancelling a service more difficult than signing up to it.*

*2. A choice or decision by the recipient of the service using an online interface that does not comply with the requirements of this article shall not constitute consent in accordance with Regulation (EU) 2016/679.*

*3. The Commission shall be empowered to publish guidelines indicating specific design choices that qualify as subverting or impairing the autonomy, decision-making processes or choices of the recipient of the service.*

Or. en

#### **Amendment 585**

**Stéphane Séjourné, Adrián Vázquez Lázara**

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

#### **Chapter III – Section 2 – title**

*Text proposed by the Commission*

2 Additional provisions applicable to providers of hosting services, including online platforms

*Amendment*

2 Additional provisions applicable to providers of hosting services, including online platforms *and to providers of live streaming platform services and of private messaging services*

Or. en

#### **Amendment 586**

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

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

#### **Article 14**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

#### **Amendment 587**

**Karen Melchior, Stéphane Séjourné**

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

#### **Article 14 – paragraph 1**

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

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

##### *Amendment*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content, ***or content that is in breach with their terms and conditions***. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means ***and may include:***

***(a) a clearly identifiable banner or single reporting button, allowing users to notify quickly and easily the providers of these services of illegal content they have encountered;***

***(b) providing information to the users on what is considered illegal content under Union and national law;***

***(c) providing information to the users on available national public tools to signal illegal content to the competent authorities.***

Or. en

#### **Amendment 588**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

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

#### **Article 14 – paragraph 1**

*Text proposed by the Commission*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

*Amendment*

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, ***clearly visible on the hosting service interface***, and allow for the submission of notices exclusively by electronic means ***and in the language of the individual or entity submitting a notice***.

Or. en

**Amendment 589**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, ***on the basis of which a diligent economic operator can identify the illegality of the content in question***. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

*Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

Or. en

**Amendment 590**

**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**

**Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable **and** facilitate the submission of notices containing all of the following elements:

*Amendment*

2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can identify the illegality **or the breach** of the content in question **with the terms and conditions**. To that end, the providers shall take the necessary measures to enable facilitate the submission of notices containing all of the following elements:

Or. en

**Amendment 591**  
**Kosma Złotowski**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The mechanisms referred to in paragraph 1 shall be **such as to facilitate the submission of** sufficiently precise and adequately substantiated **notices**, on the basis of which a diligent **economic operator** can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

*Amendment*

2. **Notices submitted under** the mechanisms referred to in paragraph 1 shall be sufficiently precise and adequately substantiated, on the basis of which a diligent **reviewer** can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:

Or. en

**Amendment 592**  
**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;

*Amendment*

(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content, ***or content that is in breach with providers' terms and conditions;***

Or. en

**Amendment 593**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) ***an*** explanation of the reasons why the individual or entity considers the information in question to be illegal content;

*Amendment*

(a) ***a sufficiently substantiated*** explanation of the reasons why the individual or entity considers the information in question to be illegal content;

Or. en

**Amendment 594**

**Karen Melchior**

**Proposal for a regulation**

**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, ***in particular*** the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;

*Amendment*

(b) a clear indication of the electronic location of that information, ***for example*** the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content, ***or content that is in breach with providers' terms and conditions;***

Or. en



**Amendment 595**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, ***in particular the exact URL or URLs***, and, where necessary, additional information enabling the identification of the illegal content;

*Amendment*

(b) a clear indication of the electronic location of that information and, where necessary ***and applicable*** additional information enabling the identification of the illegal content ***which shall be appropriate to the type of content and to the specific type of intermediary***;

Or. en

**Amendment 596**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, ***in particular the exact URL or URLs***, and, where necessary, additional information enabling the identification of the illegal content;

*Amendment*

(b) a clear indication of the electronic location of that information and, where necessary, additional information enabling the identification of the illegal content;

Or. fr

**Amendment 597**  
**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**  
**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) a clear indication of the electronic location of that information, ***in particular the exact URL or URLs***, and, where necessary, additional information enabling

*Amendment*

(b) a clear indication of the electronic location of that information, ***such as*** the exact URL or URLs, and, where necessary, additional information enabling the

the identification of the illegal content;

identification of the illegal content;

Or. en

## **Amendment 598**

**Patrick Breyer**

### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) the name and an electronic mail address of the individual or entity submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;** **deleted**

Or. en

#### *Justification*

*To facilitate the reporting and removal of illegal content, notifiers shall not be required to disclose personal data. Anonymity enables, for example, notices by persons with inside knowledge who have negative consequences to fear if their identity is revealed. Mandatory identification would also be ineffective because there is no verification of identity information provided.*

## **Amendment 599**

**Patrick Breyer**

### **Proposal for a regulation**

#### **Article 14 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) where an alleged infringement of an intellectual property right is notified, evidence that the entity submitting the notice is the rights holder of the intellectual property right that is allegedly infringed or is authorised to act on behalf of that rights holder;**

Or. en

### *Justification*

*In the case of IP rights, other persons than the rightsholder and their representatives can usually not reliably know and notify that the person who provided the information is not the rightsholder and does not hold a license.*

#### **Amendment 600**

**Patrick Breyer**

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

##### **Article 14 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.

*Amendment*

(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.

Or. en

#### **Amendment 601**

**Patrick Breyer**

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

##### **Article 14 – paragraph 2 – point d – indent 1 (new)**

*Text proposed by the Commission*

*Amendment*

– *The individual or entity may optionally provide their name and an electronic mail address which shall not be disclosed to the content provider except in cases of alleged violations of intellectual property rights.*

Or. en

### *Justification*

*In the case of IP rights the identity of the notifier shall exceptionally be disclosed to enable the publisher to verify if it is the rightsholder or a representative (see (c.a NEW) above).*

#### **Amendment 602**

Patrick Breyer

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.** **deleted**

Or. en

*Justification*

*The deletion is to protect freedom of expression. A technical intermediary has actual knowledge of illegal content only if they are aware both of the content and its illegal nature. A complete notice triggers awareness of content once it is read (not instantly), but the provider will often not know whether the reported content is illegal or not. Parliament has stressed that it is for the judiciary to decide on the legality of content, not on private commercial entities (resolution 2020/2019(INL), par. 5). This is confirmed by CJEU case-law according to which precise and substantiated notices only represent a factor of which the court must take account when determining whether the provider was actually aware of facts or circumstances on the basis of which a diligent economic operator should have identified the illegality (Judgement of 12 July 2011, L'Oréal, C-324/09, ECLI:EU:C:2011:474, par. 122).*

**Amendment 603**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.** **deleted**

Or. en

**Amendment 604**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

*Amendment*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned ***where there is no doubt as to the illegality of the specific item of content. In case of uncertainty and after taking reasonable steps to assess the illegality of the specific item of content, withholding from removal of the content by the provider shall be perceived as acting in good faith and should not lead to waiving the liability exemption provided for in Article 5.***

Or. en

**Amendment 605**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

*Amendment*

3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned ***and give rise to an obligation for the provider notified quickly to remove access to the notified content and disable access thereto.***

Or. fr

## Amendment 606

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose

### Proposal for a regulation

#### Article 14 – paragraph 3

*Text proposed by the Commission*

3. Notices ***that include the elements*** referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

*Amendment*

3. Notices referred to in paragraph 2 ***on the basis of which a diligent economic operator can identify the illegality of the content in question*** shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.

Or. en

## Amendment 607

Geoffroy Didier

### Proposal for a regulation

#### Article 14 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Notices that concern content and services of media service providers identified pursuant to Article 11a paragraph 2a shall be processed and resolved within existing internal complaints mechanisms of media service providers and include the possibility to seize the competent national judicial or regulatory authority or supervisory body. Content and services of media service providers shall remain available on hosting services until notices are resolved.***

Or. en

## Amendment 608

Patrick Breyer

### Proposal for a regulation

#### Article 14 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. Upon receipt of the notice, the service provider shall notify the information providers of the elements referred to in paragraph 2 and give them the opportunity to reply before taking a decision.**

Or. en

*Justification*

*Introducing a right to counter-notice corresponds to resolutions 2020/2022(INI), par. 29, and 2019/2020(INL), Annex, Article 10 (see also resolution 2020/2018(INL), par 53). It helps avoid the removal of legal content due to a lack of information.*

## **Amendment 609**

**Patrick Breyer**

### **Proposal for a regulation**

#### **Article 14 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. Notified information shall remain accessible until a decision is taken in respect thereof. Providers of intermediary services shall not be held liable for failure to remove notified information while the assessment of legality is still pending.**

Or. en

*Justification*

*Corresponds to resolution 2020/2019(INL), Annex, Article 14. A "temporary" removal of content often has the same effects as a permanent removal, as content is often relevant only at the time when it is posted.*

## **Amendment 610**

**Patrick Breyer**

### **Proposal for a regulation**

#### **Article 14 – paragraph 4 c (new)**

**4c. The provider shall ensure that decisions on notices are taken by qualified staff to whom adequate initial and ongoing training on the applicable legislation and international human rights standards as well as appropriate working conditions are to be provided, including, where necessary, the opportunity to seek professional support, qualified psychological assistance and qualified legal advice.**

Or. en

*Justification*

*This reflects Article 11 of the Annex to report 2020/2019(INL)). Automated tools are currently unable to differentiate illegal content from content that is legal in a given context and therefore, in the absence of human review, routinely result in over-blocking legal content.*

**Amendment 611**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 14 – paragraph 5**

*Text proposed by the Commission*

5. The provider shall also, without undue delay, notify **that** individual or entity of its decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision.

*Amendment*

5. The provider shall also, without undue delay, notify **the submitting** individual or entity **as well as the information provider** of its decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision.

Or. en

**Amendment 612**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 14 – paragraph 6**



*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a ***timely, diligent*** and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a ***swift*** and objective manner ***and in any case within a maximum of 72 hours. Where decisions on the removal or deactivation of access to content are taken, providers of hosting services shall take all measures necessary to prevent the same illegal content or equivalent illegal content from reappearing on their service.*** Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4. ***This means, in particular, key information on the procedure followed, the technology used, the criteria and reasoning underpinning the decision and the rationale behind any automated decision-making.***

Or. fr

**Amendment 613**  
**Kosma Złotowski**

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4. ***Where the provider has no technical, operational or contractual ability to act***

*against specific items of illegal content, it may hand over a notice to the provider that has direct control of specific items of illegal content, while informing the notifying person or entity and the relevant Digital Services Coordinator.*

Or. en

**Amendment 614**  
**Raffaele Stancanelli**

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. ***When a decision has been taken to remove or disable information, the providers of hosting services shall take all necessary measures to prevent the same or equivalent illegal material from reappearing on their service.*** Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

*Justification*

*When an illegal content is removed from a platform, it is essential that the platform takes action to prevent that the same content is made available again.*

**Amendment 615**  
**Stéphane Séjourné, Adrián Vázquez Lázara**

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting **services, of live streaming platform services and of private messaging** services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, **or in respect of the recipient of the service who provided this information**, in a timely, diligent **non-discriminatory** and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

**Amendment 616**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent, **non-discriminatory** and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

**Amendment 617**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and **objective** manner. Where they use automated means for that processing **or decision-making**, they shall include information on such use in the notification referred to in paragraph 4.

*Amendment*

6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and **non-arbitrary** manner. Where they use automated means for that processing, they shall include information on such use in the notification referred to in paragraph 4.

Or. en

*Justification*

*The notion "non-arbitrary" is defined in case-law. This reflects Article 11 of the Annex to report 2020/2019(INL)). Automated tools are currently unable to differentiate illegal content from content that is legal in a given context and therefore, in the absence of human review, routinely result in over-blocking legal content.*

**Amendment 618**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Where providers of hosting services have previously taken down, removed or deactivated access to illegal content as a result of a notice and a valid claim procedure which did not lead to a successful appeal, they shall take all reasonable, proportional action to block, deactivate or permanently take down the illegal content or any identical content.**

Or. fr

**Amendment 619**

**Stéphane Séjourné, Adrián Vázquez Lázara**

**Proposal for a regulation  
Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Providers of hosting services, of live streaming platform services and of private messaging services shall demonstrate their best efforts to prevent from reappearing content which is identical to another piece of content that has already been identified and removed by them as illegal. The application of this requirement shall not lead to any general monitoring obligation.**

Or. en

**Amendment 620  
Karen Melchior**

**Proposal for a regulation  
Article 14 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. Providers of hosting services, where they are equally deemed a sharing service providers according to Directive (EU) 2019/790, shall in the case of a conflict of law, apply Directive (EU) 2019/790 as superseding this Article.**

Or. en

**Amendment 621  
Emmanuel Maurel**

**Proposal for a regulation  
Article 14 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6b. The taking down, removal or**

*deactivation of access as defined in Article 14(6a) may be annulled by the following measures: a successful appeal, or a judicial ruling by a court with jurisdiction in a Member State, the General Court or the Court of Justice of the European Union.*

Or. fr

**Amendment 622**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 14 – paragraph 6 c (new)**

*Text proposed by the Commission*

*Amendment*

**6c.** *Providers of hosting services shall, without delay, inform consumers who have purchased illegal products between the time when such products were placed online on the website of the provider and the time when the listing was removed by the platform following a valid notice.*

Or. fr

**Amendment 623**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 14 – paragraph 6 d (new)**

*Text proposed by the Commission*

*Amendment*

**6d.** *This article shall not apply to editorial content provided by a trader assuming editorial responsibility for that content and complying with rules which are in line with community and national law.*

Or. fr

**Amendment 624**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Where a provider of hosting services decides to remove **or** disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying **or** removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

*Amendment*

1. Where a provider of hosting services decides to remove , disable access to ***or otherwise restrict the visibility of*** specific items of information provided by the recipients of the service ***or to suspend or terminate monetary payments related to those items,*** irrespective of the means used for detecting, identifying, removing or disabling access to ***or reducing the visibility of*** that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access ***or the restriction of visibility or the suspension or termination of monetization,*** of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

**Amendment 625**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, ***of the decision and*** provide a clear and specific statement of reasons for that decision.

*Amendment*

1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, ***or to limit the visibility of, suspend or put a stop to monetary payments linked to such content,*** irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient ***of the decision or of the restriction of visibility or the suspension***

*or ceasing of payments* at the latest at the time of the removal or disabling of access **and shall** provide a clear and specific statement of reasons for that decision.

Or. fr

**Amendment 626**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for **detecting, identifying or** removing or disabling access to that information **and of the reason for its decision**, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

*Amendment*

1. Where a provider of hosting services decides to remove or disable access to **or restrict proposals by recommender systems of** specific items of information provided by the recipients of the service, irrespective of the means used for removing or disabling access to **or restricting proposals of** that information, it shall inform the recipient, **where he or she provided contact details**, at the latest at the time of the removal or disabling of access **or the restricting of proposals**, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

*Justification*

*To cover restrictions of the distribution of content by practices such as "demoting" or "shadow-banning".*

**Amendment 627**  
**Kosma Złotowski**

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Where a provider of hosting

*Amendment*

1. Where a provider of hosting



services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

services decides to remove or disable access, ***or otherwise limit the availability, visibility or accessibility*** to specific items of information, provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.

Or. en

**Amendment 628**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. When the removing or disabling access to specific items of information is followed by the transmission of these specific items of information in accordance with Article 15a, the requirement to inform the recipient set out in par.1 may be postponed by a period of six weeks in order to avoid interfere with potential ongoing criminal investigations. The period of six weeks can be renewed only following a motivated decision of the competent authority to which the specific items of information had been transmitted.***

Or. en

**Amendment 629**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, or the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, or the disabling of access to ***or the restricting of proposals by recommender systems of***, the information and, where relevant, the territorial scope of the disabling of access ***or the restricting of proposals***;

Or. en

**Amendment 630**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, ***or*** the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, the disabling of access to, ***the restriction of the visibility of, or the demonetisation of***, the information and, where relevant, the territorial scope of the disabling of access ***or the restriction***;

Or. en

**Amendment 631**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 15 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, or the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, or the disabling of access to, the information, ***or the limiting of its visibility or the ceasing of its monetisation***, and, where relevant, the territorial scope of the disabling of access;

Or. fr

## Amendment 632

Alessandra Basso, Gunnar Beck, Gilles Lebreton

### Proposal for a regulation

#### Article 15 – paragraph 2 – point a

*Text proposed by the Commission*

(a) whether the decision entails either the removal of, or the disabling of access to, the information **and, where relevant**, the territorial scope of the disabling of access;

*Amendment*

(a) whether the decision entails either the removal of, or the disabling of access to, the information, the territorial scope of the disabling of access **and the duration**;

Or. en

## Amendment 633

Patrick Breyer

### Proposal for a regulation

#### Article 15 – paragraph 2 – point c

*Text proposed by the Commission*

(c) where applicable, information on the **use made of automated** means in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;

*Amendment*

(c) where applicable, information on the means **used** in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;

Or. en

#### *Justification*

*The EDPS recommends to modify Article 15(2) of the Proposal to state unambiguously that information should in any event be provided on the automated means used for detection and identification of illegal content, regardless of whether the subsequent decision involved use of automated means or not.*

## Amendment 634

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 15 – paragraph 4**

*Text proposed by the Commission*

4. Providers of *hosting* services *shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.*

*Amendment*

4. ***Paragraphs 2, 3 and 4 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC. In addition, those paragraphs shall not apply to enterprises that previously qualified for the status of a micro or small enterprise within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that status.***

Or. en

**Amendment 635**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a ***publicly accessible*** database managed by the Commission. That information shall not include personal data.

*Amendment*

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a database managed by the Commission ***which is accessible to national and European authorities.*** That information shall not include personal data.

Or. fr

**Amendment 636**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible **and machine-readable** database managed by the Commission. That information shall not contain personal data.

Or. en

**Amendment 637**  
**Brando Benifei**

**Proposal for a regulation**  
**Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. This article shall not apply when a recipient of the service decides to remove or disable access to specific items of information provided by other recipients of the service.**

Or. en

**Amendment 638**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15a**

**Preservation of content and related data, and mandatory transmission of specific items of information**

**1. Providers of hosting services shall store the illegal content which has been removed or access to which has been disabled as a result of content moderation, or of an order to act against a specific item of illegal content as referred to in Article 8, as well as any related data**

*removed as a consequence of the removal of such illegal content, which are necessary for administrative or judicial review proceedings, including or out-of-court dispute settlement against a decision to remove or disable access to illegal content and related data.*

*2. The illegal content and related data, as referred to in paragraph 1, shall be stored for six months from the date of removal or disabling. The illegal content shall, upon request from the competent authority or court, be preserved for a further specified period only if and for as long as necessary for ongoing administrative or judicial review proceedings, as referred to in paragraph 1.*

*3. Providers of hosting services shall ensure that the illegal content and related data stored pursuant to paragraph 1 are subject to appropriate technical and organisational safeguards. Those technical and organisational safeguards shall ensure that the illegal content and related data stored are accessed and processed only for the purposes referred to in paragraph 1, and ensure a high level of security of the personal data concerned. Providers of hosting services shall review and update those safeguards where necessary.*

*4. Providers of hosting services shall transmit to the competent authorities of the Member States the illegal content which has been removed or access to which has been disabled, whether such removing or disabling access is a result of a voluntary content moderation or of a use of the notification and action mechanism referred to in Article 14. This obligation of transmission applies under the following conditions:*

*(a) illegal content referred to in this paragraph means content which is manifestly illegal and is an offense according to [Framework Decision 2008/913/JHA and Directive*

*2011/36/EU]; and*

*(b) the competent law enforcement authority to which to transmit such illegal content is that of the Member State of the residence or establishment of the person who made the illegal content available, or, failing that, the law enforcement authority of the Member State in which the provider of hosting services is established or has its legal representative; or, failing that, the provider of hosting services shall inform Europol;*

*(c) when the provider of hosting services is a very large online platform in accordance with section 4 of chapter III, it must also, when transmitting the illegal content, add an indicating flag for the illegal content which involve a threat to the life or safety of persons.*

*5. Each Member State shall notify to the Commission the list of its competent law enforcement authorities as referred to in paragraph 4.*

Or. en

**Amendment 639**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Brando Benifei**

**Proposal for a regulation**

**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 15a*

*Content moderation*

*1. Providers of hosting services shall not use ex-ante control measures for content moderation based on automated tools or ex-ante filtering of content. Where providers of hosting services use automated tools for content moderation, they shall ensure qualified human oversight for any action taken and that legal content which does not infringe the terms and conditions set out by the*

*provider is not affected. This paragraph shall not apply to moderating information which has most likely been provided by automated tools.*

*2. Providers of hosting services shall act in a fair, transparent, coherent, predictable, non-discriminatory, diligent, non-arbitrary and proportionate manner when moderating content, with due regard to the rights and legitimate interests of all parties involved, including the fundamental rights of the recipients of the service. Content moderation practices shall be proportionate to the type and volume of content, relevant and limited to what is necessary for the purposes for which the content is moderated.*

*3. Providers of hosting services shall not subject recipients of the service to discriminatory practices, exploitation or exclusion for the purposes of content moderation, such as removal of user-generated content based on appearance, ethnic origin, gender, sexual orientation, religion or belief, disability, age, pregnancy or upbringing of children, language or social class.*

Or. en

**Amendment 640**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 15 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 15a*

*Content moderation*

*1. Providers of hosting services shall not use ex-ante control measures based on automated tools or upload-filtering of content for content moderation. Where providers of hosting services otherwise use automated tools for content*



***moderation, they shall ensure that qualified staff decide on any action to be taken and that legal content which does not infringe the terms and conditions set out by the providers is not affected. The provider shall ensure that adequate initial and ongoing training on the applicable legislation and international human rights standards as well as appropriate working conditions are provided to staff, and that , where necessary, they are given the opportunity to seek professional support, qualified psychological assistance and qualified legal advice. This paragraph shall not apply to moderating information which has most likely been provided by automated tools.***

***2. Providers of hosting services shall act in a fair, transparent, coherent, predictable, non-discriminatory , diligent, non-arbitrary and proportionate manner when moderating content, with due regard to the rights and legitimate interests of all parties involved, including the fundamental rights of the recipients of the service as enshrined in the Charter.***

Or. en

#### *Justification*

*Paragraph 1: This reflects par. 12 of resolution 2020/2019(INL): "mechanisms voluntarily employed by platforms must not lead to ex-ante control measures based on automated tools or up-load-filtering of content". Automated tools are currently unable to differentiate illegal content from content that is legal in a given context and therefore routinely result in over-blocking legal content. Human review of automated reports by service providers or their contractors does fully not solve this problem, especially if it is outsourced to private staff that lack sufficient independence, qualification and accountability (resolution 2020/2022(INI), par. 12). Ex-ante control means that content is subject to monitoring algorithms even before it is published. To protect freedom of expression this form of prior censorship on the basis of error-prone algorithms shall be prohibited, in line with Article 28b (4) of the Audiovisual Media Services Directive 2018/1808/EU. According to Article 1 this provision is without prejudice to Article 17 of the Copyright Directive which is currently subject to judicial review. The provision does not apply to filtering automated content submissions such as spam. Where automated tools are otherwise used for content moderation (i.e. for flagging), the provider shall ensure that there is no automated decision-making and that non-infringing content is unaffected. Paragraph 2: See report 2020/2022(INI), par. 32. The further requirements specify what is meant by "fair". The EDPS recommends extending the requirement of Article 1(2) to all forms of content moderation, regardless of whether such*

*moderation takes place pursuant to the terms and conditions of the provider or any other basis (EDPS opinion, par. 51).*

**Amendment 641**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 15 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15b**

***Notification of suspicions of criminal offences***

- 1. Where provider of hosting service becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall remove or disable the content and promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.***
- 2. Where the provider of hosting service cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.***
- 3. For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.***
- 4. For the purpose of this Article, Member States shall notify to the Commission the list of its competent law enforcement or judicial authorities.***

**Amendment 642**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 15 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 15b**

**Content moderation staff**

***Providers of hosting services shall ensure adequate qualification of staff working on content moderation, including ongoing training on the applicable legislation and fundamental rights. The provider shall also provide appropriate working conditions including the opportunity to seek professional support, qualified psychological assistance and qualified legal advice.***

**Amendment 643**

**Patrick Breyer**

**Proposal for a regulation**

**Article 16 – title**

*Text proposed by the Commission*

*Amendment*

Exclusion for ***micro and*** small enterprises

Exclusion for small enterprises

**Amendment 644**

**Kosma Złotowski**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC. ***Following an additional, individual risk assessment, the Digital Services Coordinator of establishment may extend the exemption to selected medium-sized enterprises.***

Or. en

**Amendment 645**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC ***and that are not controlled or owned by entities having their establishment outside the European Union.***

Or. en

**Amendment 646**

**Patrick Breyer**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

This Section shall not apply to online platforms that qualify as ***micro or*** small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

*Amendment*

This Section shall not apply to online platforms that qualify as small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.

**Amendment 647**

**Axel Voss, 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 16 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 16a*

*Notice and action mechanism*

**1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.**

**2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:**

**(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;**

**(b) to the extent possible a clear indication of the electronic location of that information, and, where necessary, additional information enabling the identification of the illegal content;**

**(c) the name and an electronic mail address of the individual or entity**

*submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;*

*(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are to the best of their knowledge accurate and complete.*

*3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.*

*4. Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall promptly send a confirmation of receipt of the notice to that individual or entity.*

*5. The provider shall also, without undue delay, notify that individual or entity of its decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision.*

*6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, within the timelines of Article 5 1a and in a diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.*

Or. en

**Amendment 648**  
**Emmanuel Maurel**

## Proposal for a regulation

### Article 17 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, **the** access to an effective internal complaint-handling system, which enables **the** complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

*Amendment*

1. Online platforms shall provide recipients of the service **and third parties which have made a referral**, for a period of at least six months following the decision referred to in this paragraph, **with** access to an effective internal complaint-handling system, which enables complaints to be lodged, electronically and free of charge, **against decisions taken by the online platform to not take action following receipt of a notice and** against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. fr

## Amendment 649

Stéphane Séjourné

## Proposal for a regulation

### Article 17 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the **following** decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

*Amendment*

1. Online platforms shall provide recipients of the service, **as well as individuals or entities that have submitted a notice** for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the **decision taken by the online platform not to act after having received a notice, and against the** decisions taken by the online platform on the ground that the information provided by the recipients is illegal content **under Union or national**

*law*, or incompatible with its terms and conditions:

Or. en

**Amendment 650**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

*Amendment*

1. Online platforms shall provide recipients of the service ***and individuals or entities that have submitted a notice***, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the ***decision taken by the provider of the online platform not to act upon the receipt of a notice or against the*** following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:

Or. en

**Amendment 651**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be

*Amendment*

1. Online platforms shall provide recipients of the service ***and qualified entities as defined in Article 3, point (4) of Directive (EU) 2020/1828<sup>1a</sup> of the European Parliament and of the Council***, for a period of at least six months



lodged electronically and free of charge, against the following decisions taken by the online platform ***on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:***

following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform:

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***<sup>1a</sup> Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).***

Or. en

### *Justification*

*According to resolution 2020/2019(INL), par. 11, Parliament takes the view that in order to protect anonymous publications and the general interest, not only the user who uploaded the content that is the subject of a dispute but also a third party, such as an ombudsperson, with a legitimate interest in acting should be able to challenge content moderation decisions. In many cases the accessibility of information is in the public interest, for example regarding information disclosed by whistleblowers. For various reasons the information provider may not be able or willing to contest platform decisions (e.g. where they published the information anonymously or without providing contact details to be notified of removals). Entities that are qualified for collective action should also have the right to file complaints. The last part of the first sentence is deleted for the following reason: Where freedom of expression is restricted in the absence of infringing content (possibly without any reason), it shall be possible to file a complaint all the more.*

## **Amendment 652 Emmanuel Maurel**

### **Proposal for a regulation Article 17 – paragraph 1 – point a**

#### *Text proposed by the Commission*

(a) decisions to remove or disable access to ***the information***;

#### *Amendment*

(a) decisions to remove ***the information, limit its visibility, suspend the possibility of purchase or rental, or*** disable access to ***it***;

Or. fr

**Amendment 653**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) decisions to remove or disable access to the information;

*Amendment*

(a) decisions to remove or disable access to ***or restrict proposals by recommender systems of*** the information;

Or. en

*Justification*

*This is to cover practices of "shadow-banning" where specific information is excluded or restricted from recommender systems, effectively inhibiting other users from seeing it.*

**Amendment 654**  
**Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) decisions to remove or disable access to the information;

*Amendment*

(a) decisions ***whether or not*** to remove or disable access to ***or restrict visibility of*** the information;

Or. en

**Amendment 655**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) decisions to remove ***or*** disable access to the information;

*Amendment*

(a) decisions to remove , disable access to ***or restrict the visibility of*** the information;

**Amendment 656**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) decisions *to remove or disable* access to the information;

*Amendment*

(a) decisions *against or in favour of removal or disabling of* access to the information;

Or. en

**Amendment 657**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) decisions *to suspend or terminate* the provision of the service, in whole or in part, to the recipients;

*Amendment*

(b) decisions *against or in favour of suspension or termination of* the provision of the service, in whole or in part, to the recipients;

Or. en

**Amendment 658**

**Karen Melchior**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) decisions to suspend or terminate the provision of the service, in whole or in part, to the recipients;

*Amendment*

(b) decisions *whether or not* to suspend or terminate the provision of the service, in whole or in part, to the recipients;

**Amendment 659**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) decisions *to suspend or terminate* the recipients' account.

*Amendment*

(c) decisions *against or in favour of suspension or termination of* the recipients' account.

Or. en

**Amendment 660**

**Karen Melchior**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) decisions to suspend or terminate the recipients' account.

*Amendment*

(c) decisions *whether or not* to suspend or terminate the recipients' account.

Or. en

**Amendment 661**

**Kosma Złotowski**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) any other decisions that affect the availability, visibility or accessibility of that content or the account of the recipient's access to significant features of the platform's regular services.*

**Amendment 662**

**Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) decisions whether or not to restrict the ability to monetize content provided by the recipients;***

Or. en

**Amendment 663**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) decisions against or in favour of demonetising content provided by the recipients;***

Or. en

**Amendment 664**

**Stéphane Séjourné**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) decisions to restrict the ability to monetize content provided by the recipients;***

Or. en

**Amendment 665**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) decisions against or in favour of applying additional labels or information to content provided by the recipients;***

Or. en

**Amendment 666**

**Stéphane Séjourné**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) decisions of online marketplaces to suspend the provisions of their services to traders;***

Or. en

**Amendment 667**

**Karen Melchior**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) decisions whether or not to apply labels or additional information on content.***

Or. en

**Amendment 668**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

***(cc) decisions that adversely affect the recipient's access to significant features of the platform's regular services;***

Or. en

**Amendment 669**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point c d (new)**

*Text proposed by the Commission*

*Amendment*

***(cd) decisions not to act upon a notice.***

Or. en

**Amendment 670**

**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**

**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. When the decision to remove or disable access to the information is followed by the transmission of this information in accordance with Article 15a, the period of at least six months as set out in paragraph 1 shall be considered to start from the day on which the recipient was informed in accordance with Article 15(2).***

Or. en

## Amendment 671

Patrick Breyer

### Proposal for a regulation

#### Article 17 – paragraph 3

*Text proposed by the Commission*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and **objective** manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

*Amendment*

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and **non-arbitrary** manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not **manifestly** illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.

Or. en

*Justification*

*To safeguard freedom of expression, Parliament has stressed that it is for the judiciary to decide on the legality of content, not on private commercial entities (resolution 2020/2019(INL), par. 5). In doubt, where content is not manifestly illegal and has not been ruled illegal by the judiciary, it should remain accessible.*

## Amendment 672

Kosma Zlotowski

### Proposal for a regulation

#### Article 17 – paragraph 4

*Text proposed by the Commission*

4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute

*Amendment*

4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute



settlement provided for in Article 18 and other available redress possibilities.

settlement provided for in Article 18 and other available redress possibilities. ***The decision mentioned in this paragraph shall also include:***

- ***information on whether the decision referred to in paragraph 1 was taken as a result of human review or through automated means;***
- ***in case the decision referred to in paragraph 1 is upheld, a detailed explanation on how the information to which the complaint relates to is in breach of the platform's terms and conditions or why the online platform considers the information to be unlawful.***

Or. en

**Amendment 673**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 17 – paragraph 4**

*Text proposed by the Commission*

4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.

*Amendment*

4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants ***and the individual or bodies which submitted a request*** of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.

Or. fr

**Amendment 674**  
**Kosma Złotowski**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

*Amendment*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means. ***Complainants shall have the right to request human review and consultation with relevant online platforms' staff with respect to content to which the complaint relates to.***

Or. en

**Amendment 675**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

*Amendment*

5. Online platforms shall ensure ***that recipients of the service are given the possibility, where necessary, to contact a human interlocutor at the time of the submission of the complaint and*** that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.

Or. en

**Amendment 676**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 17 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Recipients of the service negatively affected by the decision of an online platform shall have the possibility to seek swift judicial redress in accordance with the laws of the Member States concerned. The procedure shall ensure that an***

*independent judicial authority decides on the matter without undue delay, reaching a decision within 14 working days while granting the negatively affected party the right to seek interim measures to be imposed within 48 hours from when their redress is brought before this judicial authority. The rights to seek judicial redress and to obtain interim measures shall not be limited or subjected to the condition of exhausting the internal complaint-handling system.*

Or. en

**Amendment 677**

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

**Proposal for a regulation**

**Article 17 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5a.** *Online platforms shall ensure that any relevant information in relation to decisions taken by the internal complaint-handling mechanism is available to recipients of the service for the purpose of seeking redress through an out-of-court dispute settlement body pursuant to Article 18 or before a court.*

Or. en

**Amendment 678**

**Patrick Breyer**

**Proposal for a regulation**

**Article 18 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-

1. Recipients of the service addressed by the decisions referred to in Article 17(1) **and qualified entities as defined in Article**

court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

**3, point (4) of Directive (EU) 2020/1828**, shall be entitled to select any out-of-court dispute **settlement body** that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

Or. en

### *Justification*

*As provided in resolution 2020/2019(INL), Annex, Article 16 (1). According to resolution 2020/2019(INL), par. 11, Parliament takes the view that in order to protect anonymous publications and the general interest, not only the user who uploaded the content that is the subject of a dispute but also a third party, such as an ombudsperson, with a legitimate interest in acting should be able to challenge content moderation decisions. In many cases the accessibility of information is in the public interest, for example regarding information disclosed by whistleblowers. For various reasons the information provider may not be able or willing to contest platform decisions (e.g. where they published the information anonymously or without providing contact details to be notified of removals). Entities that are qualified for collective action should also have the right to file complaints.*

## **Amendment 679** **Karen Melchior**

### **Proposal for a regulation** **Article 18 – paragraph 1 – introductory part**

#### *Text proposed by the Commission*

1. Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be

#### *Amendment*

1. Recipients of the service **individuals or entities that have submitted notices**, addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute **settlement body** that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage,

bound by the decision taken by the body.

in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

Or. en

#### **Amendment 680**

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

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

#### **Article 18 – paragraph 1 – introductory part**

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

1. Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

##### *Amendment*

1. ***After internal complaint handling mechanisms are exhausted***, recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.

Or. en

#### **Amendment 681**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti**

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

#### **Article 18 – paragraph 1 – subparagraph 1**

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

The first subparagraph is without prejudice to the right of the recipient concerned to redress against the decision before a court in accordance with the applicable law.

##### *Amendment*

The first subparagraph is without prejudice to the right of the recipient concerned to redress against the decision before a court in accordance with the applicable law.  
***Judicial redress against a decision by an***

*out-of-court dispute settlement body shall be directed against the online platform, not the settlement body.*

Or. en

**Amendment 682**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 18 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The first subparagraph is without prejudice to the right of the recipient concerned to redress against the decision before a court in accordance with the applicable law.

*Amendment*

The first subparagraph is without prejudice to the right of the recipient *or individuals or entities that have submitted notices*, concerned to redress against the decision before a court in accordance with the applicable law.

Or. en

**Amendment 683**

**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**

**Article 18 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Where a recipient seeks a resolved to multiple complaints, either party may request that the out-of-court dispute settlement body treats and resolves these complaints in a single dispute decision.*

Or. en

**Amendment 684**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti**

**Proposal for a regulation**

**Article 18 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, ***at the request of that body***, certify the body, where the body has demonstrated that it meets all of the following conditions:

*Amendment*

2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall certify the body, where the body has demonstrated that it meets all of the following conditions:

Or. en

**Amendment 685**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

*Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and is legally distinct from and functionally independent of the government of the Member State or any other public or private body;***

Or. en

**Amendment 686**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

*Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and its members are remunerated in a way that is not linked to the outcome of the procedure;***

**Amendment 687**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**

**Article 18 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

*Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms, ***including aspects such as financial resources and personnel;***

Or. en

**Amendment 688**

**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**

**Article 18 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;

*Amendment*

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms ***and of individuals or entities that have submitted notices;***

Or. en

**Amendment 689**

**Patrick Breyer**

**Proposal for a regulation**

**Article 18 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) it is composed of legal experts;***



*Justification*

*As provided in resolution 2020/2019(INL), Annex, Article 15 (2).*

**Amendment 690**

**Patrick Breyer**

**Proposal for a regulation**

**Article 18 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) natural persons with responsibility for dispute settlement commit not to work for the online platform or a professional organisation or business association of which the online platform is a member for a period of three years after their position in the body has ended;***

Or. en

**Amendment 691**

**Patrick Breyer**

**Proposal for a regulation**

**Article 18 – paragraph 2 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) natural persons with responsibility for dispute resolution must not have worked for an online platform or a professional organisation or business association of which the online platform is a member for a period of two years before taking up their position in the body;***

Or. en

**Amendment 692**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the dispute settlement is easily accessible through electronic communication technology;

*Amendment*

(c) the dispute settlement is easily accessible, ***including for persons with disabilities***, through electronic communication technology;

Or. en

**Amendment 693**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) the dispute settlement is easily accessible through electronic communication technology;

*Amendment*

(c) the dispute settlement is easily accessible, ***including for persons with disabilities***, through electronic communication technology;

Or. en

**Amendment 694**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 18 – paragraph 2 – point d**

*Text proposed by the Commission*

(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;

*Amendment*

(d) it is capable of settling dispute in a swift, efficient, ***accessible for persons with disabilities*** and cost-effective manner and in at least one official language of the Union;

Or. en

## Amendment 695

Patrick Breyer

### Proposal for a regulation

#### Article 18 – paragraph 2 – point e

*Text proposed by the Commission*

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure.

*Amendment*

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure ***which are easily and publicly accessible***.

Or. en

## Amendment 696

Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose

### Proposal for a regulation

#### Article 18 – paragraph 2 – point e

*Text proposed by the Commission*

(e) the dispute settlement takes place in accordance with clear ***and fair*** rules of procedure.

*Amendment*

(e) the dispute settlement takes place in accordance with clear, ***fair and publicly available*** rules of procedure.

Or. en

## Amendment 697

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

### Proposal for a regulation

#### Article 18 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.

*Amendment*

The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.

***Certified out-of-court dispute settlement bodies shall conclude dispute resolution proceedings within a reasonable period of time.***

Or. en

**Amendment 698**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 18 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.

*Amendment*

3. If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement. ***Out-of-court dispute settlement procedures shall preferably be free of charge for the recipient of the service. In the event that costs are applied, the procedure shall be ac-accessible, attractive and inexpensive for recipients of the service. To that end, costs shall not exceed a nominal fee.***

Or. en

*Justification*

*In line with LIBE opinion, based on Directive 2013/11/EU on alternative dispute resolution for consumer disputes (Directive on consumer ADR).*

**Amendment 699**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**

## Article 18 – paragraph 3 – introductory part

*Text proposed by the Commission*

3. If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. ***If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.***

*Amendment*

3. If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement.

Or. en

### Amendment 700 Emmanuel Maurel

#### Proposal for a regulation Article 18 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof.

*Amendment*

The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof. ***Out-of-court dispute settlement procedures should preferably be free of charge for consumers. If a charge is made, the procedure should be accessible and inexpensive for consumers. To this end, such charges should not exceed a symbolic amount.***

Or. fr

### Amendment 701 Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose, Brando Benifei

#### Proposal for a regulation Article 18 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, ***known to the recipient of the services and the online platform concerned before engaging in the dispute settlement.***

*Amendment*

Certified out-of-court dispute settlement bodies shall make ***information on*** the fees, or the mechanisms used to determine the fees, ***publicly available.***

Or. en

**Amendment 702**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. Member States shall establish a mechanism enabling the recipients of the service to contest decisions of out-of-court dispute settlement bodies before a national judicial authority or an administrative authority relevant for resolving disputes related to particular content.***

Or. en

**Amendment 703**  
**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**  
**Article 18 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. Decisions reached by an out-of-court dispute settlement body shall not be disputable by another out-of-court dispute settlement body and the resolution of a particular dispute may only be discussed in one out-of-court dispute settlement body.***

**Amendment 704**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 18 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 18a**

**Judicial redress**

**1. Member States shall ensure that the judicial authorities may, at the request of a recipient who is subject to the decision of an online platform to:**

**(a) remove or disable access to or restrict proposals by recommender systems of information provided by the recipient;**

**(b) suspend or terminate the provision of the service, in whole or in part, to the recipient;**

**(c) suspend or terminate the recipients' account, review the legality of this decision and, where appropriate, issue an interlocutory injunction.**

**2. Digital Services Coordinators shall publish a 'toolbox' of complaint and redress mechanisms applicable in their respective territory, in at least one of the official languages of the Member State where they operate.**

Or. en

*Justification*

*Platform decisions that interfere with the rights of a recipient shall be subject to judicial review.*

**Amendment 705**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 19**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 706**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

**1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.**

*deleted*

Or. en

**Amendment 707**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Online platforms shall take the necessary technical and **organisational** measures to ensure that notices submitted by trusted flaggers through the **mechanisms** referred to in Article 14, are processed and decided **upon with** priority and without **delay**.

1. Online platforms shall take the necessary technical and **organizational** measures to ensure that notices submitted by trusted flaggers through the **mechanism** referred to in Article 14 are processed, **assessed** and decided **in** priority and **that best efforts are made to prevent future uploads of same illegal contents targeted by such notices**, without **prejudice to the implementation of a complaint and redress mechanism**.



**Amendment 708**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

*Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by **competent** trusted flaggers, **addressing allegedly illegal content that can seriously affect public security, policy or consumers' health or safety** through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

Or. en

**Amendment 709**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

*Amendment*

1. Online platforms **and providers of hosting services** shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

Or. fr

**Amendment 710**  
**Axel Voss, Esteban González Pons, Luisa Regimenti, Monika Hohlmeier, Rainer Wieland, Daniel Caspary, Javier Zarzalejos, Sven Schulze, Christian Doleschal**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed **and decided upon with priority and** without delay.

*Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are **immediately** processed without **prejudice to the implementation of a complaint and redress mechanism**.

Or. en

**Amendment 711**  
**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

*Amendment*

1. Online platforms shall take the necessary technical and organisational measures to ensure that notices **on manifestly illegal content** submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.

Or. en

**Amendment 712**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 19 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a. Online platforms shall take the necessary technical and organisational**

*measures to ensure that notices of incorrect removal, disabling access to or restricting proposals by recommender systems of content or of suspensions or terminations of accounts, submitted by trusted flaggers, are processed and decided upon with priority and without delay.*

Or. en

*Justification*

*"Trusted de-flagging" as a means of addressing arbitrary or incorrect sanctions imposed against content or platform users is proposed in the Council of Europe's "Best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation" (para. 27) published in June 2021.*

**Amendment 713**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**

**Article 19 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any entities, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:**

**deleted**

**(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;**

**(b) it represents collective interests and is independent from any online platform;**

**(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.**

Or. en

**Amendment 714**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) *it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;* **deleted**

Or. en

**Amendment 715**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content, *as well as intentional manipulation and exploitation of the service in the sense of Article 26, paragraph 1(c);*

Or. en

**Amendment 716**  
**Kosma Złotowski**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

(a) it has particular expertise and competence *that could be exercised in one or more Member States* for the purposes of detecting, identifying and notifying *specific types of* illegal content;

Or. en

**Amendment 717**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;

*Amendment*

(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying *manifestly* illegal content *in a designated area of expertise*;

Or. en

**Amendment 718**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) *it represents collective interests and is independent from any online platform;*

*Amendment*

*deleted*

Or. en

**Amendment 719**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) *it represents collective interests and is independent from any online platform;*

*Amendment*

*deleted*

Or. en

**Amendment 720**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) it represents collective interests and is independent from any online platform;

*Amendment*

(b) it represents collective interests and is independent from any online platform, ***law enforcement, or other government or relevant commercial entity***;

Or. en

**Amendment 721**  
**Brando Benifei**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) it represents collective interests and is independent from any online platform;

*Amendment*

(b) it represents collective interests ***or is an individual rightholder*** and is independent from any online platform;

Or. en

**Amendment 722**  
**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) it represents collective interests and is independent from any online platform;

*Amendment*

(b) it represents collective, ***non-commercial*** interests and is independent from any online platform;

Or. en

**Amendment 723**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.**

**deleted**

Or. en

**Amendment 724**

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

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.**

**(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner *and in full respect of fundamental rights such as the freedom of expression and information.***

Or. en

**Amendment 725**

**Patrick Breyer**

**Proposal for a regulation**

**Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) it publishes, at least once a year, clear, easily comprehensible and detailed reports on the notices submitted in accordance with Article 14 during the relevant period.**

Or. en

**Amendment 726**  
**Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) it has a transparent funding structure, including publishing the sources and amounts of all revenue annually***

Or. en

**Amendment 727**  
**Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(cb) it is not already a trusted flagger in another Member State.***

Or. en

**Amendment 728**  
**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 19 – paragraph 2 – point c c (new)**

*Text proposed by the Commission*

*Amendment*

***(cc) it publishes, at least once a year, clear, easily comprehensible and detailed reports on any notices submitted in accordance with Article 14 during the relevant period. The report shall list notices categorised by the identity of the hosting service provider, the type of alleged illegal or terms and conditions violating content concerned, and what***



*action was taken by the provider. In addition, the reports shall identify relationships between the trusted flagger and any online platform, law enforcement, or other government or relevant commercial entity, and explain the means by which the trusted flagger maintains its independence.*

Or. en

#### **Amendment 729**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

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

#### **Article 19 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.**

*deleted*

Or. en

#### **Amendment 730**

**Kosma Zlotowski**

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

#### **Article 19 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.

3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2. ***This communication shall include the geographical scope within which the trusted flagger competence was***

*recognised based on the approval of a particular Digital Services Coordinator and information on expertise and competence declared by the trusted flagger.*

Or. en

**Amendment 731**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 19 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.**

*deleted*

Or. en

**Amendment 732**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 19 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.**

**4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated. *Notices referred to in paragraph 1 of this Article shall be proceeded with priority with respect to the geographical scope of the trusted flagger, according to awarding of the status by Member States.***

Or. en

**Amendment 733**

**Kosma Zlotowski**

**Proposal for a regulation  
Article 19 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Trusted flaggers shall provide the Digital Services Coordinator of establishment with clear and accessible reports on notices they sent during the relevant period, at least once every three years. Those reports shall include information on:**

**(a) the number of notices submitted in accordance with Article 14, categorised by the type of presumed illegal content concerned;**

**(b) the number and percentage of notices that led to the removal or suspension of the content concerned; and**

**(c) the number of notices that were considered to be insufficiently precise or inadequately substantiated by the online platforms.**

Or. en

**Amendment 734**

**Stéphane Séjourné, Adrián Vázquez Lázara**

**Proposal for a regulation  
Article 19 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Member States may recognise entities that were awarded the status of trusted flaggers in another Member State as a trusted flagger on their own territory. Upon request by a Member State, trusted flaggers can be awarded the status of European trusted flagger by the Board, in accordance with Article 48, par. 2. The Commission shall keep register of European trusted flaggers.**

**Amendment 735**

Alessandra Basso, Gunnar Beck, Gilles Lebreton

**Proposal for a regulation****Article 19 – paragraph 5***Text proposed by the Commission**Amendment*

5. *Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.*

*deleted*

**Amendment 736**

Timo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose

**Proposal for a regulation****Article 19 – paragraph 5***Text proposed by the Commission**Amendment*

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated ***or incorrect*** notices, ***or notices violating recipients' fundamental rights***, through the mechanisms referred to in Article 14, including information gathered in connection to the processing of

systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

Or. en

**Amendment 737**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 19 – paragraph 5**

*Text proposed by the Commission*

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

*Amendment*

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices ***or notices regarding legal content*** through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

Or. en

*Justification*

*When it comes to addressing illegal content, giving trusted flaggers priority is justified only if they flag illegal content. Where a trusted flagger systematically notifies legal content, they should lose their status even if the notices are formally correct.*

**Amendment 738**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 19 – paragraph 5**

*Text proposed by the Commission*

5. Where an online platform has information indicating that a trusted flagger submitted a significant number of ***insufficiently precise or inadequately substantiated*** notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

*Amendment*

5. Where an online platform ***or a provider of hosting services*** has information indicating that a trusted flagger submitted a significant number of ***wrongful*** notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.

Or. fr

**Amendment 739**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 19 – paragraph 6**

*Text proposed by the Commission*

6. ***The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger***

*Amendment*

***deleted***

**Amendment 740**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 19 – paragraph 6**

*Text proposed by the Commission*

6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger

*Amendment*

6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by an online platform **or a provider of hosting services** pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger

Or. fr

**Amendment 741**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 19 – paragraph 7**

*Text proposed by the Commission*

7. ***The Commission, after consulting the Board, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.***

*Amendment*

***deleted***

Or. en

**Amendment 742**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 19 – paragraph 7**

*Text proposed by the Commission*

7. The Commission, after consulting the Board, *may* issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.

*Amendment*

7. The Commission, after consulting the Board, *shall* issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 2, *4a*, 5 and 6.

Or. en

**Amendment 743**

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

**Proposal for a regulation**  
**Article 19 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. Online platforms shall, where possible, provide trusted flaggers with access to technical means that help them detect illegal content on a large scale.**

Or. en

**Amendment 744**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 19 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 19a**

**Accessibility requirements for online platforms**

**1. Providers of online platforms which offer services in the Union shall**



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

*2. Providers of online platforms shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in written and oral format, including in a manner which is accessible to persons with disabilities. Providers of online platforms shall keep that information for as long as the service is in operation.*

*3. Providers of online platforms shall ensure that information, forms and measures provided pursuant to this Regulation are made available in a manner that they are easy to find and accessible to persons with disabilities.*

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

*5. In the case of non-conformity, providers of online platforms shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements.*

*6. Provider of online platforms shall, further to a reasoned request from a competent authority, provide it with all information necessary to demonstrate the*

*conformity of the service with the applicable accessibility requirements. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.*

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

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

Or. en

#### *Justification*

*Requirement for online platforms to take accessibility into account in the design of their services. Such a requirement would be proportionate to online platforms due to their role and influence, while a requirement on all hosting providers would likely be disproportionate.*

**Amendment 745**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 20 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.*

*deleted*

### *Justification*

*Subject to discussion on JURI competences. According to resolution 2020/2022(INI), par. 11, the ultimate responsibility for enforcing the law and deciding on the legality of online activities shall rest with independent competent authorities. The consequences of providing illegal content, including sanctions, are regulated in criminal and civil law and typically determined by the judiciary. Compelling private providers to sanction users for posting "manifestly" illegal content by "de-platforming" them fails to ensure a decision by the judiciary, and would introduce a new type of sanction with vastly different severity depending on the user: De-platforming can existentially threaten prominent users that make a living on online platforms. In other cases it is ineffective because a user will simply create another account. All in all the sanctions foreseen in criminal and civil law and applied by the judiciary are much better suited to address illegal content than corporate "de-platforming". Proportionate sanctions shall be applied to violations of the law rather than mandatory exclusion of individuals from digital services (JURI opinion PE652.326v02, par. 12).*

#### **Amendment 746**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

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

#### **Article 20 – paragraph 1**

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

1. Online platforms shall suspend, for a **reasonable** period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.

##### *Amendment*

1. Online platforms shall suspend, for a **specified** period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content ***that has been duly declared illegal as defined in Article 2(g). The online platform may request support from the Digital Service Coordinator to establish the frequency for which account suspension is deemed necessary and to set the duration of the suspension.***

Or. en

#### **Amendment 747**

**Emmanuel Maurel**

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

#### **Article 20 – paragraph 1**

*Text proposed by the Commission*

1. **Online** platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that **frequently** provide manifestly illegal content.

*Amendment*

1. **Providers of hosting services and online** platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that **repeatedly** provide manifestly illegal content **or enable such content to be made available**.

Or. fr

**Amendment 748**

**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.

*Amendment*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content, **or content that is in breach with their terms and conditions**.

Or. en

**Amendment 749**

**Stéphane Séjourné**

**Proposal for a regulation**

**Article 20 – paragraph 1**

*Text proposed by the Commission*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that **frequently** provide manifestly illegal content.

*Amendment*

1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that provide manifestly illegal content.

**Amendment 750**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 20 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Without prejudice to Article 4 of the P2B Regulation, providers of hosting services shall do all in their power to ensure that users which have been suspended from the service cannot use it again until such time as the suspension is lifted.***

***Online platforms shall stop providing their services to trade users which repeatedly provide illegal content and which have previously been suspended.***

***Where an online platform stops providing its services to a trade user, it shall provide that user, at least 15 days before the termination comes into force, with the reasons for its decision and shall inform it of the possibility to challenge the decision under Article 17.***

Or. fr

**Amendment 751**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 20 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Online marketplaces shall publish the information on traders suspended pursuant to paragraph 1 gathered in accordance with Article 22, paragraph 1, letter a in the database as referred to in Article 15 para. 4. When the suspension expires, the data should be deleted from***

*that database.*

Or. en

**Amendment 752**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. **Online** platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

*Amendment*

2. **Providers of hosting services and online** platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

Or. fr

**Amendment 753**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall suspend, for a **reasonable** period of time and after having issued **a** prior **warning**, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

*Amendment*

2. Online platforms shall suspend, for a **specified** period of time and after having issued **at least three** prior **warnings**, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

**Amendment 754**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. **Online platforms shall** suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

*Amendment*

2. **Providers of hosting services may** suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

Or. en

**Amendment 755**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. **Online** platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to **the online platform**. Those circumstances shall include at least the following:

*Amendment*

3. **Providers of hosting services and online** platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to **them**. Those circumstances shall include at least the following:

Or. fr

**Amendment 756**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in **paragraphs 1 and 2**, taking into account all relevant facts and circumstances apparent from the information available to the online platform. Those circumstances shall include at least the following:

*Amendment*

3. Online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in **paragraph 2**, taking into account all relevant facts and circumstances apparent from the information available to the online platform. Those circumstances shall include at least the following:

Or. en

**Amendment 757**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) the absolute numbers of items of **manifestly illegal content or** manifestly unfounded notices or complaints, submitted in the past year;

*Amendment*

(a) the absolute numbers of items of manifestly unfounded notices or complaints, submitted in the past year;

Or. en

**Amendment 758**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) the absolute numbers of items of

*Amendment*

(a) the absolute numbers of items of



*manifestly* illegal content or *manifestly* unfounded notices or complaints, submitted in the past year;

illegal content or unfounded notices or complaints, submitted in the past year;

Or. en

**Amendment 759**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

(a) the absolute numbers of items of *manifestly* illegal content or manifestly unfounded notices or complaints, submitted in the past year;

(a) the absolute numbers of items of illegal content or manifestly unfounded notices or complaints, submitted in the past year;

Or. fr

**Amendment 760**

**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 20 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

(d) the intention of the recipient, individual, entity or complainant.

(d) *where identifiable*, the intention of the recipient, individual, entity or complainant.

Or. en

**Amendment 761**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *Suspensions referred to in paragraphs 1 and 2 may be declared permanent where*

*(a) compelling reasons of law or public policy, including ongoing criminal investigations, justify avoiding or postponing notice to the recipient;*

*(b) the items removed were components of high-volume campaigns to deceive users or manipulate platform content moderation efforts; or*

*(c) the items removed were related to content covered by [Directive 2011/93/EU updated reference] or [Directive (EU) 2017/541 XXX New Ref to TCO Regulation].*

Or. en

**Amendment 762**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *In cases of repeated suspension, providers of hosting services shall terminate the provision of their services to the recipients of those services.*

Or. fr

**Amendment 763**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a.** *The assessment must be carried*

*out by qualified staff provided with dedicated training on the applicable legal framework.*

Or. en

**Amendment 764**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 20 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. Providers of hosting services shall establish mechanisms to prevent the re-registration of recipients of services which repeatedly provide or enable the provision of illegal content.**

Or. fr

**Amendment 765**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. **Online** platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

4. **Providers of hosting services and online** platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

Or. fr

**Amendment 766**

Patrick Breyer

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in **paragraphs 1 and 2** in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

*Amendment*

4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in **paragraph 2** in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.

Or. en

**Amendment 767**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 21**

*Text proposed by the Commission*

**Article 21**

**Notification of suspicions of criminal offences**

**1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.**

**2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform**

*Amendment*

**deleted**

*Europol.*

*For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.*

Or. en

*Justification*

*The text of Article 21 is reintroduced with few modifications as Article 15b*

**Amendment 768**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 21 – paragraph 1**

*Text proposed by the Commission*

1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.

*Amendment*

1. Where an online platform ***or an online service provider*** becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.

Or. fr

**Amendment 769**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 21 – paragraph 1**

*Text proposed by the Commission*

1. Where an online platform becomes aware of any information giving rise to a suspicion that a **serious** criminal offence **involving a threat to the life or safety of persons** has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.

*Amendment*

1. Where an online platform becomes aware of any information giving rise to a suspicion that a criminal offence has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.

Or. en

**Amendment 770**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 21 – paragraph 1**

*Text proposed by the Commission*

1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life **or safety** of persons **has taken place, is taking place or is likely to take place**, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide **all relevant** information **available**.

*Amendment*

1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life of persons **is imminent**, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide **the** information **that gave rise to it**.

Or. en

**Amendment 771**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 21 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. Where the online platform cannot identify with reasonable certainty the

*Amendment*

2. Where the online platform **or an online service provider** cannot identify

Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.

with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.

Or. fr

**Amendment 772**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 21 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to **have taken place**, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.

*Amendment*

For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.

Or. en

**Amendment 773**  
**Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 21 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Unless instructed otherwise by the informed authority, the provider shall remove or disable the content. It shall store all content and related data for at least six months.**

Or. en

*Justification*

*While police may request that content stays up, in most cases, it is better to remove it for the*

*safety of those concerned*

**Amendment 774**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 21 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. Information obtained by a law enforcement or judicial authority of a Member State in accordance with paragraph 1 shall not be used for any purpose other than those directly related to the individual serious criminal offence notified.**

Or. en

*Justification*

*This provision must respect the rights of users and should not be used in unconnected ways*

**Amendment 775**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 21 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. The Commission shall adopt an implementing act setting down a template for notifications under paragraph 1.**

Or. en

*Justification*

*This article can only be implemented quickly if there is a standardised way to submit such notifications*

**Amendment 776**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**



**Proposal for a regulation**  
**Article 21 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d. Where a notification of suspicions of criminal offences includes information which may be seen as potential electronic information in criminal proceedings, Regulation XXX [E-evidence] shall apply.**

Or. en

*Justification*

*This article should be aligned to the E-evidence Regulation*

**Amendment 777**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – title**

*Text proposed by the Commission*

*Amendment*

Traceability of traders

Traceability of traders **on online marketplaces**

Or. en

**Amendment 778**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform

1. Where an online platform **or an online service provider** allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained

has obtained the following information:

the following information:

Or. fr

**Amendment 779**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. ***Where an online platform allows consumers to conclude distance contracts with traders, it*** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online ***platform*** has obtained the following information:

*Amendment*

1. ***The online marketplace*** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online ***marketplace*** has obtained ***and checked*** the following information:

Or. en

**Amendment 780**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. ***Where an online platform allows consumers to conclude distance contracts with traders, it*** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of ***its*** services, the online ***platform*** ***has*** obtained the following information:

*Amendment*

1. ***Providers of online marketplaces*** shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of ***their*** services, the online ***marketplaces have*** obtained the following information:

Or. en

**Amendment 781**  
**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 22 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

*Amendment*

1. Where an online platform allows consumers to conclude distance contracts with **professional** traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:

Or. en

**Amendment 782**

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

**Proposal for a regulation**

**Article 22 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) *the bank account details of the trader, where the trader is a natural person;*

*Amendment*

*deleted*

Or. en

**Amendment 783**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the **bank** account details of the trader, *where the trader is a natural person;*

*Amendment*

(c) the **payment** account details of the trader;

**Amendment 784**

Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné

**Proposal for a regulation****Article 22 – paragraph 1 – point d***Text proposed by the Commission*

(d) the name, address, telephone number and electronic mail address of the economic operator, ***within the meaning of*** Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council<sup>51</sup> or any relevant act of Union law;

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<sup>51</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

*Amendment*

(d) the name, address, telephone number and electronic mail address of the economic operator, ***established in the Union and carrying out the tasks in accordance with*** Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council<sup>51</sup> or ***[Article XX of the General Product Safety Regulation], or*** any relevant act of Union law;

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<sup>51</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

**Amendment 785**

Stéphane Séjourné

**Proposal for a regulation****Article 22 – paragraph 1 a (new)***Text proposed by the Commission**Amendment*

***1a. Providers of online marketplaces shall require traders to provide the information referred to in points (a) and (e) immediately upon initial registration for its services. Traders shall be required to provide any supplementary material relating to the information requirements***

*set out in Article 22(1) within a reasonable period, and prior to the use of the service and offering of products and services to consumer.*

Or. en

**Amendment 786**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online **platform** shall, upon receiving that information, **make reasonable efforts** to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

*Amendment*

2. The **providers of online marketplaces** shall, upon receiving that information **and before allowing traders to use their services, take effective steps that would reasonably be taken by a diligent operator in accordance with a high industry standard of professional diligence** to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is **accurate, current and reliable through the use of independent and reliable sources including** of any freely accessible official online database or online interface made available by **an authorised administrator or** a Member States or the Union or through **direct** requests to the trader to provide supporting documents from reliable sources.

Or. en

**Amendment 787**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online **platform** shall, upon receiving that information, make

*Amendment*

2. The online **marketplace** shall, upon receiving that information, make

reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources. ***The online marketplaces should require that traders promptly inform them of any changes to the information referred in points (a), (d), (e) and (f) and ensure that the information provided are up to date and accurate.***

Or. en

**Amendment 788**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 22 – paragraph 2**

*Text proposed by the Commission*

2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

*Amendment*

2. The online platform ***or the online service provider*** shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

Or. fr

**Amendment 789**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Where the online **platform** obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

*Amendment*

3. Where the online **marketplace** obtains indications that **information under paragraph 1 letter (f) is inaccurate it shall remove the product or service directly from their online platform and if any other** any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

**Amendment 790**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

*Amendment*

3. Where the online platform **or the online service provider** obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. fr

**Amendment 791**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Where the online **platform obtains** indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that **platform** shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

*Amendment*

3. Where the **providers of online marketplaces obtain** indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that **online marketplace** shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.

Or. en

**Amendment 792**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Where the trader fails to correct or complete that information, the online **platform** shall suspend the provision of its service to the trader until the request is complied with.

*Amendment*

Where the trader fails to correct or complete that information, the **providers of online marketplaces** shall suspend the provision of its service to the trader **in relations to the offering of products or services to consumers located in the Union** until the request is **fully** complied with.

Or. en

**Amendment 793**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Where the trader fails to correct or complete that information, the online **platform** shall suspend the provision of its

*Amendment*

Where the trader fails to correct or complete that information, the online **marketplace** shall suspend the provision of



service to the trader until the request is complied with.

its service to the trader until the request is complied with.

Or. en

**Amendment 794**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 22 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The online platform or the online service provider shall apply identification and verification measures not only to new corporate clients but they shall also conduct a check and update the information they hold on existing corporate clients at least once a year.**

Or. fr

**Amendment 795**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The providers of online marketplaces shall ensure that traders are given the ability to discuss any information viewed as inaccurate or incomplete directly with a trader before any suspension of services. This may take the form of the internal complaint-handling system under Article 17.**

Or. en

**Amendment 796**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. If an online marketplaces rejects an application for services or suspends services to a trader, the trader shall have recourse to the systems under Article 17 and Article 43 of this Regulation.**

Or. en

**Amendment 797**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c. Traders shall be solely liable for the accuracy the information provided and shall inform without delay the online marketplace of any changes to the information provided.**

Or. en

**Amendment 798**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

4. The online platform **or the online service provider** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

**Amendment 799**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The online **platform** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

*Amendment*

4. The **providers of online market places** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

Or. en

**Amendment 800**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

4. The online **platform** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

*Amendment*

4. The online **marketplace** shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.

Or. en

**Amendment 801**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*

5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

*Amendment*

5. Without prejudice to paragraph 2, the platform **or the online service provider** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

Or. fr

**Amendment 802**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*

5. Without prejudice to paragraph 2, the **platform** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

*Amendment*

5. Without prejudice to paragraph 2, the **providers of online marketplaces** shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

Or. en

**Amendment 803**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 5**

*Text proposed by the Commission*

5. Without prejudice to paragraph 2, the **platform** shall only disclose the

*Amendment*

5. Without prejudice to paragraph 2, the **marketplace** shall only disclose the

information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

Or. en

**Amendment 804**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 22 – paragraph 6**

*Text proposed by the Commission*

6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

*Amendment*

6. The online platform **or the online service provider** shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

Or. fr

**Amendment 805**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 6**

*Text proposed by the Commission*

6. The online **platform** shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

*Amendment*

6. The **providers of online marketplaces** shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

Or. en

**Amendment 806**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 6**

*Text proposed by the Commission*

6. The online **platform** shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

*Amendment*

6. The online **marketplace** shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.

Or. en

**Amendment 807**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 – paragraph 7**

*Text proposed by the Commission*

7. ***The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.***

*Amendment*

***deleted***

Or. en

*Justification*

*Moved to Article 22a.*

**Amendment 808**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 22 – paragraph 7**

*Text proposed by the Commission*

7. The online platform shall design

*Amendment*

7. The online platform ***or the online***

and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.

*service provider* shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.

Or. fr

**Amendment 809**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 – paragraph 7**

*Text proposed by the Commission*

7. The online *platform* shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.

*Amendment*

7. The online *marketplace* shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.

Or. en

**Amendment 810**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 22a*

*Additional provisions for online marketplaces related to illegal offers*

**1. The providers of online marketplaces shall take adequate measures in order to prevent the dissemination by traders using their service for offers for a product or a service, which do not comply with Union law.**

**2. Where the providers of online marketplaces obtain indication including on the elements listed in points (a) and (b) of paragraph 2 of Article 14, and according to which an item of information referred to in Article 22a is inaccurate, the providers of online marketplaces shall request the trader to give evidence of the accuracy of that item of information or to correct it, without delay. Where traders fail to comply with such request, the providers of online marketplaces shall suspend traders' offer pending compliance with the request.**

**3. Before the trader's offer is made available on the online marketplaces, the providers of online marketplaces shall make their best efforts to assess, whether traders have provided the information referred to in paragraphs 1 and 2 of Article 22a, and whether the offer to consumers located in the Union is on the list, or the lists, of products or categories of products classified as non-compliant, according to any freely accessible official online database or online interface, or through direct requests to the trader to provide supporting documents from reliable sources. The providers of online marketplaces shall not authorise the trader to provide the offer online in case of non-compliance.**

**4. Where notified by market surveillance or customs authorities about the illegality of traders offer according to applicable law on product safety, the providers of online marketplaces shall remove the offers or disable access to them without delay and inform the respective traders and competent authorities.**

**5. The providers of online marketplaces shall demonstrate their best efforts to take effective and proportionate measures to prevent offers of counterfeit products as well as to prevent the reappearance of offers of previously notified and removed counterfeit**



*products. To that end, providers of online marketplaces shall take into account the information received in accordance with Article 14 in the context of any content moderation system aiming at preventing reappearance, detecting, identifying, removing or disabling access to dangerous products offered on their marketplace. The measures referred to in this paragraph shall not lead to general monitoring as provided for in Article 7.*

*6. The providers of online marketplaces shall suspend without undue delay the provision of their services to traders that provide repeatedly illegal offers for a product or a service. They shall notify immediately its decision to the trader and competent authorities.*

*7. Where the providers of online marketplaces become aware, irrespective of the means used to, of the illegal nature of a product or service offered through their services, they shall inform without undue delay the recipients of the service that had acquired such product or contracted such services, about the illegality, the identity of the trader and any means of redress. Where the provider of the online marketplace does not have the contact details of the recipients of the service, the provider shall make publicly available and easily accessible on their online interface the information concerning the illegal products or services removed, the identity of the trader and any means of redress.*

*8. The providers of online marketplaces shall be entitled to right to redress towards the traders failing to comply with their obligations towards the online marketplaces or consumers. Consumers shall be entitled to right to redress towards the providers of online marketplaces for the failure of the latter to comply with the obligations under Articles 22, 22a and 22 b.*

Or. en

**Amendment 811**  
**Marion Walsmann**

**Proposal for a regulation**  
**Article 22 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 22a**

***Additional obligations of online marketplaces***

***1. Where an online marketplace becomes aware of the illegal nature of a product or service offered by a trader on its interface it shall***

***(a) immediately remove the illegal product or service from its interface and inform the authorities about that;***

***(b) maintain an internal database of content removed and/or recipients suspended pursuant to Article 20 to be used by internal content moderation systems tackling the identified risks;***

***(c) where the online marketplace has the contact details of the recipients of its services, inform such recipients of the service that have purchased said product or service during the past twelve months about the illegality, the identity of the trader and options for seeking redress;***

***(d) shall compile and make publicly available through application programming interfaces a repository containing information about illegal products and services removed from its platform in the past six months along with information about the concerned trader and options for seeking redress.***

Or. en

**Amendment 812**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 22 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 22b**

***Additional provisions for online marketplaces related to illegal offers***

- 1. The providers of online marketplaces shall take adequate measures in order to prevent the dissemination by traders using their service for offers for a product or a service, which do not comply with Union law.***
- 2. Where the providers of online marketplaces obtain indication including on the elements listed in points (a) and (b) of paragraph 2 of Article 14, and according to which an item of information referred to in Article 22a is inaccurate, the providers of online marketplaces shall request the trader to give evidence of the accuracy of that item of information or to correct it, without delay. Where traders fail to comply with such request, the providers of online marketplaces shall suspend traders' offer pending compliance with the request.***
- 3. Before the trader's offer is made available on the online marketplaces, the providers of online marketplaces shall make their best efforts to assess, whether traders have provided the information referred to in paragraphs 1 and 2 of Article 22a, and whether the offer to consumers located in the Union is on the list, or the lists, of products or categories of products classified as non-compliant, according to any freely accessible official online database or online interface, or through direct requests to the trader to provide supporting documents from reliable sources. The providers of online marketplaces shall not authorise the trader to provide the offer online in case of non-compliance.***

**4. Where notified by market surveillance or customs authorities about the illegality of traders offer according to applicable law on product safety, the providers of online marketplaces shall remove the offers or disable access to them without delay and inform the respective traders and competent authorities.**

**5. The providers of online marketplaces shall demonstrate their best efforts to take effective and proportionate measures to prevent offers of counterfeit products as well as to prevent the reappearance of offers of previously notified and removed counterfeit products. To that end, providers of online marketplaces shall take into account the information received in accordance with Article 14 in the context of any content moderation system aiming at preventing reappearance, detecting, identifying, removing or disabling access to dangerous products offered on their marketplace. The measures referred to in this paragraph shall not lead to general monitoring as provided for in Article 7.**

**6. The providers of online marketplaces shall suspend without undue delay the provision of their services to traders that provide repeatedly illegal offers for a product or a service. They shall notify immediately its decision to the trader and competent authorities.**

**7. Where the providers of online marketplaces become aware, irrespective of the means used to, of the illegal nature of a product or service offered through their services, they shall inform without undue delay the recipients of the service that had acquired such product or contracted such services, about the illegality, the identity of the trader and any means of redress. Where the provider of the online marketplace does not have the contact details of the recipients of the service, the provider shall make publicly available and easily accessible on their**

*online interface the information concerning the illegal products or services removed, the identity of the trader and any means of redress.*

**8.** *The providers of online marketplaces shall be entitled to right to redress towards the traders failing to comply with their obligations towards the online marketplaces or consumers. Consumers shall be entitled to right to redress towards the providers of online marketplaces for the failure of the latter to comply with the obligations under Articles 22, 22a and 22 b.*

Or. en

### **Amendment 813**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

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

##### **Article 23 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the number of disputes submitted to *the* out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute settlement procedures;

*Amendment*

(a) the number of disputes submitted to *certified* out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute settlement procedures;

Or. en

### **Amendment 814**

**Patrick Breyer**

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

##### **Article 23 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the number of suspensions imposed pursuant to Article 20, distinguishing between *suspensions enacted for the provision of manifestly illegal content*, the

*Amendment*

(b) the number of suspensions imposed pursuant to Article 20, distinguishing between the submission of manifestly unfounded notices and the submission of

submission of manifestly unfounded notices and the submission of manifestly unfounded complaints;

manifestly unfounded complaints;

Or. en

#### **Amendment 815**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

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

#### **Article 23 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of *manifestly* illegal content, the submission of *manifestly* unfounded notices and the submission of *manifestly* unfounded complaints;

*Amendment*

(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of illegal content, the submission of unfounded notices and the submission of unfounded complaints;

Or. en

#### **Amendment 816**

**Karen Melchior, Stéphane Séjourné**

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

#### **Article 23 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) the number of advertisements that were removed, labelled or disabled by the online platform and justification of the decisions;*

Or. en

#### **Amendment 817**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

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

#### **Article 23 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall publish, at least once every **six** months, information on the average monthly active recipients of the service in each Member State, calculated as an average over the period of the past **six** months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

*Amendment*

2. Online platforms shall publish, at least once every **twelve** months, information on the average monthly active recipients of the service in each Member State, calculated as an average over the period of the past **twelve** months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

Or. en

**Amendment 818**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 23 – paragraph 2**

*Text proposed by the Commission*

2. Online platforms shall publish, at least once every six months, information on the average monthly active **recipients** of the service in each Member State, calculated as an average over the period of the past six months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

*Amendment*

2. Online platforms shall publish, at least once every six months, information on the average monthly active **end users** of the service in each Member State, calculated as an average over the period of the past six months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).

Or. en

**Amendment 819**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 23 – paragraph 4**

*Text proposed by the Commission*

4. The Commission **may** adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.

*Amendment*

4. The Commission **shall** adopt implementing acts to **establish a set of Key Performance Indicators and** lay down templates concerning the form, content and

other details of reports pursuant to paragraph 1.

Or. en

**Amendment 820**  
**Karen Melchior, Liesje Schreinemacher**

**Proposal for a regulation**  
**Article 23 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Where published to the general public, the annual transparency reports referred to in paragraph 1 shall not include information that may prejudice ongoing activities for the prevention, detection, or removal of illegal content or content counter to a hosting provider's terms and conditions.**

Or. en

**Amendment 821**  
**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 23 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 23a**

**Online advertising and recommender systems**

**1. Online platforms that directly or indirectly display advertising to the recipients of the service or use recommender systems shall not use inferred data resulting from the profiling of the recipients or any personal data collected about them in services provided by third parties. Online platforms may use personal data explicitly provided or declared by the recipients, provided that**



*they have been granted consent within the meaning of Article 4(11) of Regulation (EU) 2016/679. Online platforms shall ensure that the option that does not require the use of personal data is activated by default and that users of the service have the option to opt-in of personalised advertisements or recommendations.*

*2. Online platforms shall, where applicable, provide an easily available functionality on their online interface allowing the recipients of the service, at any time, to:*

*(a) declare, modify and delete their personal data referred to in paragraph 1;*

*(b) modify and delete any categories used by the platform to categorise the content of advertisements or recommendations.*

*(c) exclude data collected from other related products/services or from previous engagement with certain content, pages, or users.*

*Article 12b (4) applies accordingly to the communication of consent referred to in paragraph 1 and choices made by the recipient of the service mentioned above.*

*3. Online platforms that use recommender systems and systems for selecting and displaying advertisements, shall set out in an easily accessible place in their online interface, such as in their terms and conditions and separately at the moment the advertisement or the content recommendation to recipients of the service takes place, in a clear, accessible and easily comprehensible manner, relevant information on the functioning of these systems, in particular their parameters, and ensure that significant changes to the information provided on their online interfaces is traceable over time.*

*4. Online platforms shall set out in terms and conditions relevant information as to how the company may interfere with*

*the regular operation and optimization goal of the recommender system and ensure that significant changes to the information provided on the site is traceable over time.*

**5. Pursuant to the transparency reporting obligations of articles 13, 23, and 44, online platforms shall provide in a clear, accessible and easily comprehensible manner, transparency as to the trust and safety operations addressed to recommender systems. This transparency shall include, at a minimum:**

**(a) Comprehensive definitions of content that platforms apply specific content moderation measures to and information about specific content moderation practices that are applied to such content.**

**(b) Aggregate data that accounts for the total views and view rate of content that was subsequently removed pursuant to orders issued in accordance with Articles 8 and 9 or on the basis of content moderation engaged in at the provider's own initiative;**

**(c) Aggregate data on the relative share of violative content that compared to the total volume of content on the service and/or overall amount of such content**

**(d) Aggregate data on reach and recommendation of as well as engagement with violative content**

**(e) Aggregate data on how long after being uploaded violative content was de-amplified or down-ranked**

**6. The parameters referred to in paragraph 3 shall include, at a minimum:**

**(a) the criteria used by relevant systems,**

**(b) the indication of the importance that specific criteria have for outputs produced by relevant systems,**

- (c) *the optimisation goals of relevant systems,*
- (d) *if applicable, a list of categories of personal data taken into account by relevant systems, sources of this data, and an explanation of the role that the behaviour of the recipients of the service plays in how relevant systems produce their outputs,*
- (e) *in the case of very large online platforms, the summary of risk assessments referred to in Article 26 and the description of mitigation measures referred to in Article 27.*

Or. en

## **Amendment 822**

**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 24**

*Text proposed by the Commission*

*Amendment*

*Article 24*

*deleted*

#### ***Online advertising transparency***

***Online platforms that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time:***

- (a) that the information displayed is an advertisement;***
- (b) the natural or legal person on whose behalf the advertisement is displayed;***
- (c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is***

*displayed.*

Or. en

**Amendment 823**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – title**

*Text proposed by the Commission*

*Amendment*

Online advertising transparency

Online advertising transparency ***and control***

Or. en

**Amendment 824**  
**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Online platforms that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time:

Online platforms that ***directly and indirectly*** display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear, ***meaningful, salient, uniform*** and unambiguous manner and in real time:

Or. en

**Amendment 825**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) that the information displayed is an advertisement;

(a) that the information displayed *on the interface or parts thereof* is an *online* advertisement, *including through prominent and harmonised marking*;

Or. en

**Amendment 826**  
**Karen Melchior**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 827**  
**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 828**  
**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) **clear**, meaningful **and uniform** information about the parameters used to determine the recipient to whom the advertisement is displayed **and the logic involved**;

Or. en

#### **Amendment 829**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

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

**Article 24 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

(ca) **whether the advertisement was selected using an automated mechanism, such as ad exchange mechanisms, and if so, the identity of the natural or legal person responsible for the system**;

Or. en

#### **Amendment 830**

**Karen Melchior, Stéphane Séjourné**

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

**Article 24 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

(cb) **if the online platform uses automated systems to determine the recipients of the service to whom the advertisement should be displayed, meaningful information about the reasons why a given advertisement has been deemed relevant for a specific recipient of the service**.

Or. en

**Amendment 831**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*The 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;*

*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 832**  
**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

**Proposal for a regulation**  
**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**2. Online platforms that display advertising on their online interfaces shall include in the reports referred to in**

*Article 13 the following information:*

*(a) the number of advertisements removed, disabled, or labelled by the online platform, accompanied by a justification explaining the grounds for the decision;*

*(b) aggregated data on the provider of the online advertisements that were removed, disabled or labelled by the online platform, including information on the advertisement published, the amount paid for the advertisement and information on the target audience, if applicable.*

Or. en

**Amendment 833**  
**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*Online platforms that suggest advertised content to which the recipients of the service have not explicitly looked for or subscribed to shall ensure that the recipients of the service can identify, for each specific suggestion, in a clear and unambiguous manner and in real time, meaningful information about the criteria used to suggest this content to the recipient, including, where applicable, personal data of the recipient taken into account pursuant to Article XY.*

Or. en

**Amendment 834**  
**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 b (new)**



*Text proposed by the Commission*

*Amendment*

***Providers of online platforms shall, by default, not make the recipients of their service subject to behavioural and micro-targeted advertisements unless the recipients of the service has expressed a freely given, specific, informed and unambiguous consent in the line with the requirements under Regulation (EU) 2016/679 and article 12(2b). Providers of online platforms shall ensure this requirements applies to previous choices expressed by individual recipients of the service.***

Or. en

**Amendment 835**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***Where a recipient exercises any of the rights referred to points (a), (c) or (d) in paragraph 2, the online platform must immediately cease displaying advertisements using the personal data concerned or using parameters which were set using this data.***

Or. en

**Amendment 836**  
**Stéphane Séjourné, Adrián Vázquez Lázara**

**Proposal for a regulation**  
**Article 24 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***Online platforms that display advertising***

*on their online interfaces shall ensure that advertisers:*

*(a) can request and obtain information on where their advertisements have been placed;*

*(b) can request and obtain information on which broker treated their data;*

*(c) can indicate on which specific location their ads cannot be placed. In case of non-compliance with this provision, advertisers shall have the right to judicial redress.*

Or. en

**Amendment 837**  
**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

*Providers of online platforms shall provide individual recipients of the service the possibility to modify or influence the parameters used to display advertisements to the recipient of the service. The default parameters shall be the most respectful and protective possible towards the rights of consumers.*

Or. en

**Amendment 838**  
**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

*Online platforms shall also build special protections for individual recipients of the*

*service below the age of 16 to limit their exposure to advertising. Advertisements that are targeted or micro targeted toward individuals or segments of individuals who are below the age of 18 on the basis of their personal data, behaviour, the tracking of their activities or profiling within the meaning of Article 4(4) of Regulation (EU) 2016/679 shall not be permitted.*

Or. en

**Amendment 839**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 24 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

*The Commission shall adopt an implementing act establishing harmonised specifications for the marking referred to in paragraph 1(a) of this Article.*

Or. en

**Amendment 840**  
**Karen Melchior, Hilde Vautmans, Ivars Ijabs, Samira Rafaela**

**Proposal for a regulation**  
**Article 24 – paragraph 1 e (new)**

*Text proposed by the Commission*

*Amendment*

*Online platforms shall not be allowed to resort to cross-device and cross-service combination of data processed inside or outside the platform.*

Or. en

**Amendment 841**

**Geoffroy Didier**

**Proposal for a regulation  
Article 24 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 24a**

**Recommender systems**

**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, including at least one option 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, 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

*Justification*

*Enhanced transparency rules for recommender systems should not be limited to very large platforms. Recommender systems are commonly used by all types of platforms to classify, rank, prioritize available information, thus influencing the relative order and visibility of content. Given the critical impact online platforms have on the display of content and services and ultimately on user behaviour, it is essential that they adhere to basic transparency requirements. This is all the more necessary where the recommender system pre-selects content upon a user's demand (for example through voice assistants), answering with a single search result to the user's query.*

**Amendment 842**

**Stéphane Séjourné**

**Proposal for a regulation  
Chapter III – Section 4 – title**

*Text proposed by the Commission*

4 Additional obligations for very large online platforms to manage systemic risks

*Amendment*

4 Additional obligations for very large online platforms, ***live streaming platforms, private messaging providers and search engines*** to manage systemic risks

Or. en

**Amendment 843**

**Stéphane Séjourné, Adrián Vázquez Lázara**

**Proposal for a regulation  
Article 25 – title**

*Text proposed by the Commission*

Very large online platforms

*Amendment*

Very large online platforms, ***live streaming platforms, private messaging providers and search engines***

Or. en

**Amendment 844**

**Stéphane Séjourné**

**Proposal for a regulation  
Article 25 – paragraph 1**

*Text proposed by the Commission*

1. This Section shall apply to online ***platforms*** which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

*Amendment*

1. This Section shall apply to online ***platform services, live streaming platform services, private messaging services and search engine services*** which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts

referred to in paragraph 3.

Or. en

**Amendment 845**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. This Section shall apply to online platforms which provide their services to a number of average monthly active **recipients** of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

*Amendment*

1. This Section shall apply to online platforms which provide **for at least four consecutive months** their services to a number of average monthly active **end users** of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Or. en

**Amendment 846**  
**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti**

**Proposal for a regulation**  
**Article 25 – paragraph 1**

*Text proposed by the Commission*

1. This Section shall apply to online platforms which provide their services to a number of **average** monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

*Amendment*

1. This Section shall apply to online platforms which provide their services to a number of **unique** monthly active recipients of the service in the Union equal to or higher than 45 million **on average**, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.

Or. en

**Amendment 847**

**Kosma Zlotowski**

**Proposal for a regulation  
Article 25 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active **recipients** of the service in the Union, for the purposes of paragraph 1. The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active **recipients** of the service in the Union, taking into account different accessibility features.

*Amendment*

3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active **end users** of the service in the Union, for the purposes of paragraph 1. The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active **end users** of the service in the Union, taking into account different accessibility features.

Or. en

**Amendment 848**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation  
Article 25 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned **and to** the Commission.

*Amendment*

4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned, the Commission **and the national Digital Services Coordinators**.

**Amendment 849**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 25 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active **recipients** of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the Commission.

*Amendment*

4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active **end users** of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the Commission.

Or. en

**Amendment 850**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 25 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. After receiving the decision about the designation as a very large online platform, the online platform may appeal this decision before the Digital Services Coordinator issuing the designation within 60 days. The Digital Services Coordinator may consult the Board. The Digital Services Coordinator shall especially consider the following information while assessing the appeal:***



- (a) the type of content usually shared and the type of the active end user on a given online platform;*
- (b) the exposure to the illegal content as reported under Article 23 and measures taken to mitigate the risks by the online platform; and*
- (c) the exposure to the systemic risks as referred to in Article 26.*

*The Digital Services Coordinator shall decide on the appeal within 60 days. The Digital Services Coordinator may repeatedly initiate this procedure when deemed necessary, after accepting the appeal.*

Or. en

**Amendment 851**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 25 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

*4b. The Digital Services Coordinator of establishment may request any online platform to submit a report assessing the dissemination of illegal content through their services, when justified by the information provided in the report submitted in accordance with Article 23. If, after thorough assessment, the Digital Services Coordinator has identified the platform in question as posing significant systemic risks stemming from dissemination of illegal content through their services in the Union, the Digital Services Coordinator may then require proportionate compliance with some or all obligations of Articles 26 to 37.*

Or. en

**Amendment 852**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 25 – paragraph 4 c (new)**

*Text proposed by the Commission*

*Amendment*

**4c. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down specific methodology for the purpose of paragraph 4a and 4b.**

Or. en

**Amendment 853**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 26 – title**

*Text proposed by the Commission*

*Amendment*

**Risk** assessment

**Impact** assessment

Or. en

**Amendment 854**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any **significant** systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), **on an ongoing basis and** at least once a year thereafter, **the probability and severity of** any systemic risks stemming from the **design, intrinsic characteristics,** functioning and use made of their services in the Union. **The risk assessment shall be**

*broken down per Member State in which services are offered and in the Union as a whole.* This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

## **Amendment 855**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti, Christel Schaldemose**

### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – introductory part**

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

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

##### *Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services *and activities, such as business model and design decisions*, in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

## **Amendment 856**

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

### **Proposal for a regulation**

#### **Article 26 – paragraph 1 – introductory part**

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

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), *at least once a year thereafter*, any significant systemic risks stemming from the

##### *Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), *on an ongoing basis, the probability and severity of* any significant systemic risks stemming

functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

Or. en

**Amendment 857**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any **significant systemic risks** stemming from the functioning and use made of their services in the Union. This **risk** assessment shall be specific to their services and shall include the following systemic risks:

*Amendment*

1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any **adverse impact** stemming from the functioning and use made of their services in the Union. This **impact** assessment shall be specific to their services and shall include the following systemic risks:

Or. en

**Amendment 858**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. **Very large** online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant **systemic** risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

*Amendment*

1. **Large** online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:

**Amendment 859**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the dissemination of illegal content through their services;

*Amendment*

(a) the dissemination of illegal content **and content that is in breach of their terms and conditions** through their services, **including unsafe and non-compliant products and services, in case of online marketplaces**;

Or. en

**Amendment 860**  
**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the dissemination of illegal content through their services;

*Amendment*

(a) the dissemination of illegal content **and content that is in breach of their terms and conditions** through their services,

Or. en

**Amendment 861**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the dissemination of illegal content through their services;

*Amendment*

(a) the dissemination **and amplification** of illegal content through

their services;

Or. en

### **Amendment 862**

**Patrick Breyer**

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

##### **Article 26 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the dissemination of illegal content through their services;

*Amendment*

(a) the dissemination of ***manifestly*** illegal content through their services;

Or. en

### **Amendment 863**

**Stéphane Séjourné**

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

##### **Article 26 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) the funding of illegal content, including models based on advertisement;***

Or. en

### **Amendment 864**

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

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

##### **Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the

(b) any negative effects for the exercise of ***any of the fundamental rights listed in the Charter, in particular on*** the fundamental rights to respect for private and family life, freedom of expression and

child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

information, the prohibition of discrimination, ***the right to gender equality*** and the rights of the child, as enshrined in Articles 7, 11, 21, **23** and 24 of the Charter respectively;

Or. en

#### **Amendment 865**

**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**

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

#### **Article 26 – paragraph 1 – point b**

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

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

##### *Amendment*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, ***freedom and pluralism of the media***, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively ***caused by an illegal activity***;

Or. en

#### **Amendment 866**

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

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

#### **Article 26 – paragraph 1 – point b**

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

(b) any negative effects for the exercise of ***the*** fundamental rights ***to*** respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

##### *Amendment*

(b) any negative effects for the exercise of fundamental rights, ***including the*** respect for private and family life, freedom of expression and information, ***freedom and pluralism of the media***, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11,

21 and 24 of the Charter respectively;

Or. en

**Amendment 867**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

*Amendment*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, ***freedom and pluralism of the media***, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

Or. en

**Amendment 868**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

*Amendment*

(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, ***human dignity***, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;

Or. fr

**Amendment 869**  
**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**



**Proposal for a regulation**  
**Article 26 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

*Amendment*

(c) intentional manipulation of their service ***and amplification of content that is in breach of their terms and conditions***, including by means of inauthentic use, ***such as ‘deep fakes’*** or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, ***democratic values, media freedom and freedom of expression of journalists, as well as their ability to verify facts***, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

Or. en

**Amendment 870**

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

**Proposal for a regulation**  
**Article 26 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) intentional manipulation of their service, ***including*** by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

*Amendment*

(c) intentional manipulation of their service by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative ***and illegal*** effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

Or. en

**Amendment 871**  
**Patrick Breyer**

**Proposal for a regulation**

## Article 26 – paragraph 1 – point c

*Text proposed by the Commission*

(c) intentional manipulation of their service, including by means of ***inauthentic use or*** automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

*Amendment*

(c) intentional manipulation of their service, including by means of automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.

Or. en

## Amendment 872

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

### Proposal for a regulation

#### Article 26 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) copyright and intellectual property infringements and violations, pursuant to Article 17 of Directive 2019/790 on Copyright in the Digital Single Market.***

Or. en

## Amendment 873

**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 26 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the

systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content ***and of information that is incompatible with their terms and conditions.***

systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content.

Or. en

**Amendment 874**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

*Amendment*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of ***manifestly*** illegal content and of information that is incompatible with their terms and conditions.

Or. en

**Amendment 875**  
**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide

*Amendment*

2. When conducting risk assessments, very large online platforms shall ***also*** take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide

dissemination of illegal content and of information that is incompatible with their terms and conditions.

dissemination of illegal content and of information that is incompatible with their terms and conditions.

Or. en

**Amendment 876**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 26 – paragraph 2**

*Text proposed by the Commission*

2. When conducting risk assessments, **very** large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

*Amendment*

2. When conducting risk assessments, large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

Or. fr

**Amendment 877**  
**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 26 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. When conducting risk assessments, very large online platforms shall involve representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. Their involvement shall be tailored to the specific systemic risks that the very large online platform aim to assess.***

**Amendment 878**

**Patrick Breyer**

**Proposal for a regulation**

**Article 26 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The outcome of the impact assessment and supporting documents shall be communicated to the Board of Digital Service Coordinators and the Digital Services Coordinator of establishment. A summary version of the impact assessment shall be made publicly available in an easily accessible format.**

Or. en

**Amendment 879**

**Patrick Breyer**

**Proposal for a regulation**

**Article 27 – title**

*Text proposed by the Commission*

*Amendment*

Mitigation of *risks*

Mitigation of *adverse impacts*

Or. en

**Amendment 880**

**Patrick Breyer**

**Proposal for a regulation**

**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Very large online platforms **shall** put in place reasonable, proportionate and effective mitigation measures, tailored to the specific **systemic risks** identified

1. Very large online platforms **may** put in place reasonable, proportionate and effective mitigation measures, tailored to the specific **adverse impact** identified

pursuant to Article 26. Such measures may include, where applicable:

pursuant to Article 26, **where mitigation is possible without adversely impacting other fundamental rights**. Such measures may include, where applicable:

Or. en

**Amendment 881**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall put in place reasonable, proportionate and effective **mitigation** measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

*Amendment*

1. Very large online platforms shall put in place reasonable, proportionate and effective measures **to mitigate the probability and severity of any**, tailored to **address** the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

Or. en

**Amendment 882**  
**Karen Melchior, Liesje Schreinemacher, Hilde Vautmans, Ivars Ijabs, Samira Rafaela, Michal Šimečka, Stéphane Séjourné**

**Proposal for a regulation**  
**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures **may** include, where applicable:

*Amendment*

1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures **shall** include, where applicable:

Or. en

**Amendment 883**

**Emmanuel Maurel**

**Proposal for a regulation**

**Article 27 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. **Very large** online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

*Amendment*

1. **Large** online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:

Or. fr

**Amendment 884**

**Emmanuel Maurel**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;

*Amendment*

(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions; ***the rules and penalties for all decisions on content moderation must be clear, specific and applicable for users;***

Or. fr

**Amendment 885**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms

*Amendment*

(a) adapting content moderation or recommender systems, their decision-making processes, ***design***, the features or functioning of their services, or their terms

and conditions;

and conditions;

Or. en

#### **Amendment 886**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

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

#### **Article 27 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) ***adapting*** content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;

*Amendment*

(a) ***checking*** content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;

Or. en

#### **Amendment 887**

**Patrick Breyer**

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

#### **Article 27 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) appropriate technical and operational measures or capacities, such as appropriate staffing or technical means to expeditiously remove or disable access to illegal content which the platform is aware of;***

Or. en

#### **Amendment 888**

**Patrick Breyer**

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

#### **Article 27 – paragraph 1 – point a b (new)**



*Text proposed by the Commission*

*Amendment*

**(ab) easily accessible and user-friendly mechanisms for users to report or flag allegedly illegal content, and mechanisms for user moderation;**

Or. en

**Amendment 889**

**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide;

(b) targeted measures aimed at limiting the display **of and targeting** of advertisements in association with the service they provide;

Or. en

**Amendment 890**

**Patrick Breyer**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) reinforcing the internal processes or supervision of any of their activities **in particular as regards detection of systemic risk;**

(c) reinforcing the internal processes or supervision of any of their activities;

Or. en

**Amendment 891**

**Patrick Breyer**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) initiating or adjusting cooperation with trusted flaggers in accordance with Article 19;** *deleted*

Or. en

**Amendment 892**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) initiating or adjusting cooperation with trusted flaggers in accordance with Article 19;** *deleted*

Or. en

**Amendment 893**

**Marion Walsmann**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(da) in case of very large online marketplaces taking into account the information on repeat infringers as referred to in Article 20 paragraph 1a, when starting a contractual relationship with a trader;**

Or. en

**Amendment 894**

**Emmanuel Maurel**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) initiating or adjusting cooperation with other online platforms through the codes of conduct and the crisis protocols referred to in Article 35 and 37 respectively.** **deleted**

Or. fr

**Amendment 895**

**Patrick Breyer**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

**(e) initiating or adjusting cooperation with other online platforms through the codes of conduct and the crisis protocols referred to in Article 35 and 37 respectively.** **deleted**

Or. en

**Amendment 896**

**Patrick Breyer**

**Proposal for a regulation**

**Article 27 – paragraph 1 – subparagraph 1 (new)**

*Text proposed by the Commission*

*Amendment*

***The decision as to the choice of measures shall remain with the platform.***

Or. en

**Amendment 897**

**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a.** *Where a very large online platform decides not to put in place any of the mitigating measures listed in article 27(1), it shall provide a written explanation that describes the reasons why those measures were not put in place, to the Board in view of issuing specific recommendations and to independent auditors for the purposes of the audit report.*

*Following the written explanation of the reasons of the very large online platforms not to put in place mitigating measures, and where necessary, the Board shall issue specific recommendations as to the mitigation measures that very large online platforms shall implement. Very large online platforms shall within one month from receiving of these recommendations, implement the recommended measures, or set out any alternative measures they intend to take to address the identified risks.*

*In case of systemic failure of a very large online platform to take effective mitigating measures and in case of repeated non-compliance with the recommendations, the Board may advise the Commission and the Digital Services Coordinators to impose sanctions.*

Or. en

**Amendment 898**

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

**Proposal for a regulation**  
**Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a.** *Where a very large online platform*

*decides not to put in place any of the mitigating measures listed in article 27.1, it shall provide a written explanation that describes the reasons why those measures were not put in place, which shall be provided to the independent auditors in order to prepare the audit report in article 28.3.*

Or. en

**Amendment 899**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 27 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Board shall evaluate the implementation and effectiveness of mitigating measures undertaken by very large online platforms listed in Article 27(1) and where necessary, may issue recommendations.***

Or. en

**Amendment 900**

**Karen Melchior, Liesje Schreinemacher, Stéphane Séjourné**

**Proposal for a regulation**

**Article 27 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the following:

2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year. ***The reports of the Board shall be broken down per Member State in which the systemic risks occur and in the Union as a whole. The reports shall be published in all the official languages of the Member States of the Union. The reports shall include the following:***

**Amendment 901**

**Patrick Breyer**

**Proposal for a regulation**

**Article 27 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) identification and assessment of the most prominent and recurrent **systemic risks** reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

*Amendment*

(a) identification and assessment of the most prominent and recurrent **adverse impacts** reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

Or. en

**Amendment 902**

**Tiemo Wölken, Evelyne Gebhardt, Franco Roberti**

**Proposal for a regulation**

**Article 27 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) identification and assessment of **the most prominent and recurrent** systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

*Amendment*

(a) identification and assessment of **all** systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

Or. en

**Amendment 903**

**Karen Melchior, Stéphane Séjourné**

**Proposal for a regulation**

**Article 27 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) identification and assessment of the **most prominent and recurrent** systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

(a) identification and assessment of **each of** the systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;

Or. en

**Amendment 904**

**Alessandra Basso, Gunnar Beck, Gilles Lebreton**

**Proposal for a regulation**

**Article 27 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) **best practices for very large online platforms to mitigate the systemic risks identified.**

**deleted**

Or. en

**Amendment 905**

**Patrick Breyer**

**Proposal for a regulation**

**Article 27 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) best practices for very large online platforms to mitigate the **systemic risks** identified.

(b) best practices for very large online platforms to mitigate the **adverse impacts** identified.

Or. en

**Amendment 906**

**Emmanuel Maurel**

**Proposal for a regulation**

## Article 27 – paragraph 2 – point b

*Text proposed by the Commission*

(b) best practices for **very** large online platforms to mitigate the systemic risks identified.

*Amendment*

(b) best practices for large online platforms to mitigate the systemic risks identified.

Or. fr

### Amendment 907

Alessandra Basso, Gunnar Beck, Gilles Lebreton

#### Proposal for a regulation

##### Article 27 – paragraph 3

*Text proposed by the Commission*

**3. The Commission, in cooperation with the Digital Services Coordinators, may issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.**

*Amendment*

*deleted*

Or. en

### Amendment 908

Karen Melchior, Hilde Vautmans, Ivars Ijabs, Samira Rafaela

#### Proposal for a regulation

##### Article 27 – paragraph 3

*Text proposed by the Commission*

3. The Commission, in cooperation with the Digital Services Coordinators, **may** issue general guidelines on the application of paragraph 1 in relation to

*Amendment*

3. The Commission, in cooperation with the Digital Services Coordinators, **and following public consultations shall** issue general guidelines on the application of



specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. ***When preparing those guidelines the Commission shall organise public consultations.***

paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved.

Or. en

**Amendment 909**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 27 – paragraph 3**

*Text proposed by the Commission*

3. The Commission, in cooperation with the Digital Services Coordinators, may issue general ***guidelines*** on the application of paragraph 1 ***in relation to specific risks***, in particular to present best practices and ***recommend*** possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those ***guidelines*** the Commission shall organise public consultations.

*Amendment*

3. The Commission, in cooperation with the Digital Services Coordinators, may issue general ***recommendations*** on the application of paragraph 1, in particular to present best practices and ***propose*** possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those ***recommendations*** the Commission shall organise public consultations.

Or. en

**Amendment 910**  
**Kosma Zlotowski**

**Proposal for a regulation**  
**Article 27 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 27a***

***Mitigation of risks for the freedom of expression and freedom and pluralism of***

*the media*

- 1. Very large online platforms shall ensure that the exercise of the fundamental rights of freedom of expression and freedom and pluralism of the media is always adequately and effectively protected.**
- 2. Where very large online platforms allow for the dissemination of press publications within the meaning of Art. 2(4) of Directive (EU) 2019/790, of audiovisual media services within the meaning of Article 1(1)(a) of Directive 2010/13/EU (AVMS) or of other editorial media, which are published in compliance with applicable Union and national law under the editorial responsibility and control of a press publisher, audiovisual or other media service provider, who can be held liable under the laws of a Member State, the platforms shall be prohibited from removing, disabling access to, suspending or otherwise interfering with such content or services or suspending or terminating the service providers' accounts on the basis of the alleged incompatibility of such content with their terms and conditions[, as well as on the basis of any self-regulatory or co-regulatory standard or measure, including Codes of Conduct pursuant to Article 35 of this Regulation]. [The same shall apply to books and films or other expressions of opinion or statements of fact for the purpose of exercising the right to freedom of expression as enshrined in Article 11 of the Charter.]**
- 3. Very large online platforms shall ensure that their content moderation, their decision-making processes, the features or functioning of their services, their terms and conditions and recommender systems are objective, fair and non-discriminatory.**

Or. en

**Amendment 911**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the following:

*Amendment*

1. Very large online platforms shall be subject, at their own expense and at least once a year, to **independent** audits to assess compliance with the following:

Or. en

**Amendment 912**  
**Emmanuel Maurel**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the following:

*Amendment*

1. Large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the following:

Or. fr

**Amendment 913**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the **following**:

*Amendment*

1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the

Or. en

**Amendment 914**  
**Karen Melchior, Michal Šimečka**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the obligations set out in Chapter III;

*Amendment*

(a) the obligations set out in Chapter III; ***in particular the quality of the identification, analysis and assessment of the risks referred to in Article 26, and the necessity, proportionality and effectiveness of the risk mitigation measures referred to in article 27***

Or. en

**Amendment 915**  
**Stéphane Séjourné**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the obligations set out in Chapter III;

*Amendment*

(a) the obligations set out in Chapter III, ***in particular the quality of the identification, analysis and assessment of the risks referred to in Article 26, and the necessity, proportionality and effectiveness of the risk mitigation measures referred to in Article 27;***

Or. en

**Amendment 916**  
**Patrick Breyer**

**Proposal for a regulation**  
**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) ***the*** obligations set out in Chapter III;

*Amendment*

(a) obligations set out in Chapter III

**Amendment 917**

**Patrick Breyer**

**Proposal for a regulation**

**Article 28 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(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. ~~deleted~~**

Or. en

*Justification*

*Since this non-binding "soft law" is not subject to democratic and judicial scrutiny, legislation shall not impose compliance.*