



2020/0361(COD)

13.10.2021

OPINION

of the Committee on Women's Rights and Gender Equality

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council
on a Single Market for Digital Services (Digital Services Act) and amending
Directive 2000/31/EC
(COM(2020)0825 – C9-0418/2020 – 2020/0361(COD))

Rapporteur for opinion: Jadwiga Wiśniewska

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SHORT JUSTIFICATION

The Internet is becoming increasingly important feature of our daily lives. It helps us in many ways but also opens new ways of abusing its users, both by other users and by online platforms which play a major role in bringing people together. The Covid-19 pandemic only deepened both trends, the positive one of using online environment to facilitate our work and daily lives, and the negative one of increasing online violence and using the Internet to commit serious crimes, such as trafficking in human beings or child abuse.

Women are particularly affected by these negative trends. This leads to very negative consequences at personal (mental health), social (lack of full digital inclusion) and economic (untapped potential) levels. Women are often discouraged to take a full use of digital solutions, which is particularly true for women in politics and other highly visible professions. Moreover, online tools are increasingly often used to perpetuate serious crimes such as trafficking in human beings, where most of the victims are women or children.

The Commission's proposal on the Single Market for Digital Services (so called Digital Services Act, DSA) already contains a number of useful solutions. It rightly distinguished between very large online platforms, which have a huge impact on millions of people, and other service providers putting more obligations on the first. The rapporteur for the opinion believes that the proposal is short of taking into account some particular vulnerabilities of women and thus proposes to put more emphasis on their situation, especially in the recitals of the proposal. For very large online platforms the rapporteur proposes that they are not only obliged to disclose their algorithms to users, but also that they regularly review them with a view to minimise negative effects on the users. These negative effects may also be understood as deepening problems they are confronted with, such as depression or addictions. Very large online platforms should be obliged to try to avoid exposing them to the content which may lead to deepening their problems. A supervision of their actions should be also strengthened by Member States taking into account their socio-cultural context and their respective laws.

Yet, the rapporteur also notes some concerns as regards the freedom of expression. She realises that regulating online environment always needs to be balanced against the important value of letting people express their views. And while this freedom is not absolute and cannot be abused, a careful consideration of both values is necessary to arrive at good solutions. Therefore, she proposes only a few changes to the Commission proposal to avoid negative consequences on the freedom of expression.

AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Member States **are** increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice.

Amendment

(2) ***Up till now, politics has relied on voluntary cooperation with a view to address these risks and challenges. Since this has proved insufficient and there has been a lack of harmonised rules at Union level, Member States have been*** increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice.

Amendment 2

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their

Amendment

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their

fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination.

fundamental rights guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to ***gender equality and non-discrimination. In order to exercise those rights, the online world needs to be a safe space, especially for women and girls, where everybody can move freely. Therefore, measures to protect from, and prevent, phenomena such as online violence, cyberstalking, harassment, hate speech and exploitation of women and girls are essential.***

Amendment 3

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Gender equality is one of the founding values of the Union (Article 2 and Article 3(3) of the Treaty on European Union (TEU)). These objectives are also enshrined in Article 21 of the Charter of Fundamental Rights (the 'Charter'). Article 8 of the Treaty on the Functioning of the European Union gives the Union the task of eliminating inequalities and promoting equality between women and men in all of its activities and policies. In order to protect women's rights and tackle gender-based online violence, the right to gender equality should be respected and the principle of gender mainstreaming should be applied in all policies of the Union, including the regulation of the functioning of the internal market and its digital services.

Amendment 4

Proposal for a regulation
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) Children, especially girls, have specific rights enshrined in Article 24 of the Charter and in the United Nations Convention on the Rights of the Child. As such, the best interests of the child should be a primary consideration in all matters affecting them. The United Nations Committee on the Rights of the Child General comment No. 25 on children's rights in relation to the digital environment formally sets out how those rights apply in the digital world.

Amendment 5

Proposal for a regulation
Recital 5

Text proposed by the Commission

Amendment

(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council²⁶, that is, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of unlawful or otherwise harmful information and activities.

(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council²⁶, that is, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of unlawful or otherwise harmful information and activities. ***Given that online platforms are part of our everyday life and have become indispensable, even more so since the pandemic, the spread of illegal and***

harmful content, such as child sexual abuse material, online sexual harassment, unlawful non-consensual sharing of private images and videos, cyber violence, has risen dramatically as well. Ensuring a safe space online implies targeted actions against all phenomena harmfully affecting our social life, including through an awaited proposal on how to deal with harmful but not illegal content online.

²⁶ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

²⁶ Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

Amendment 6

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,²⁸ **and** Regulation (EU) .../. of the European Parliament and of the Council²⁹ – ***proposed Terrorist Content Online*** Regulation. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those

Amendment

(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,²⁸ Regulation (EU) **2021/784** of the European Parliament and of the Council²⁹ **and** Regulation **2021/1232 of the European Parliament and of the Council^{29a}**. Therefore, this Regulation leaves those other acts, which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by

other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

²⁸ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

²⁹ Regulation (EU) .../.. of the European Parliament and of the Council – *proposed* Terrorist Content Online *Regulation*

those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.

²⁸ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .

²⁹ Regulation (EU) **2021/784** of the European Parliament and of the Council **of 29 April 2021 on addressing the dissemination of** terrorist content online (OJ L 172, 17.5.2021, p. 79).

^{29a} **Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41).**

Amendment 7

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly *and also covers* information relating to illegal content, products, services and activities. In particular, that concept should be

Amendment

(12) In order to achieve the objective of ensuring a safe, predictable, **accessible (including for persons with disabilities)** and trusted online environment, for the purpose of this Regulation the concept of “illegal content” should be defined broadly **in order to underpin the general idea that what is illegal offline should also be**

understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorized use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

illegal online. The concept should cover information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech, ***child sexual abuse material*** or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as ***trafficking in human beings and online sexual violence against women and girls, forced marriages***, the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, ***doxing, mobbing, sextortion, grooming adolescents, online sexual harassment and other forms of gender based violence***, the sale of non-compliant or counterfeit products, the non-authorized use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.

Amendment 8

Proposal for a regulation Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) As there is no common definition accepted for the recognition of cyber violence and hate speech online against women, there is an urgent need to define and adopt a common definition for the various forms of violence and hate speech targeting women and sexual minorities online that would serve as a basis for legislation.

Amendment 9

Proposal for a regulation Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) Access to the internet is fast becoming a necessity for economic well-being; it is therefore crucial to ensure that this digital public space is a safe and empowering place for everyone, including women and girls. Online violence is a phenomenon which needs to be addressed for the safety of all users, though special attention should be paid to tackling violence against women and girls and other forms of gender-based violence. It not only causes psychological harm and physical suffering but it also deters victims from digital participation in political, social, cultural and economic life and it affects women and girls disproportionately. Evidence shows that women are on average more exposed to online violence than men, especially women engaged in political or other forms of highly visible activities. Research by the World Health Organization shows that one in three women will have experienced a form of violence in her lifetime, and despite the relatively new and growing phenomenon of internet connectivity, it is estimated that one in ten women has already experienced a form of cyber violence since the age of 15. A survey by the European Union Agency for Fundamental Rights in 2014, the most comprehensive at Union level in the field, showed that 1 in 10 women aged 15 or over in the Union has faced online harassment.

Amendment 10

Proposal for a regulation
Recital 12 c (new)

Text proposed by the Commission

Amendment

(12c) The COVID-19 pandemic has had a significant impact on almost all spheres of life, including on organised crime. For example, traffickers increasingly moved online for every phase of trafficking. They use the digital space in the recruitment and exploitation of victims, organisation of their transport and accommodation, advertising victims online and reaching out to potential clients, controlling victims, communicating between perpetrators and hiding criminal proceeds. Other forms of organised crime facilitated by digital tools are different types of exploitation, particularly for sexual, but also for labour exploitation, forced begging, forced and sham marriages, forced criminality, the removal of organs, illegal adoption of children and forced marriages.

Amendment 11

Proposal for a regulation
Recital 25

Text proposed by the Commission

Amendment

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of

(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent ***and non-discriminatory*** manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the

Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.

Amendment 12

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Being aware that the intermediary services have already applied a risk assessment, there is still potential for improvement for the security and safety of all users, especially children, women, and other vulnerable groups. Therefore providers of intermediary services, more precisely online platforms and very large online platforms, should regularly evaluate their risk assessment and, if found necessary, improve it. Given the importance of providers of intermediary services and their potential to impact social life, common rules determining how users shall behave online, should be applied. The implementation of a code of conduct should be obligatory for every provider of intermediary services covered by this Regulation.

Amendment 13

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... **[proposed Regulation** addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.

Amendment

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679, **Regulation 2021/1232** and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. **Member States should ensure that the competent authorities fulfil their tasks in an objective, independent and non-discriminatory manner.** The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) **2021/784** addressing the dissemination of terrorist content online, **Regulation 2021/1232** or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.

Amendment 14

Proposal for a regulation

Recital 34

Text proposed by the Commission

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market **and** ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.

Amendment

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market, **to** ensure a safe and transparent online environment **and to ensure the right to non-discrimination**, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as **health, including mental health**, the safety and trust of the recipients of the service, including minors, **women, LGBTIQ+ people** and vulnerable users **such as those with protected characteristics under Article 21 of the Charter**, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities. ***The World Health Organisation defines ‘health’ as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. This definition supports the fact that the development of new technologies might bring new health risks to users, in particular for children and women, such as psychological risk, development risks, mental risks, depression, loss of sleep, or altered brain function.***

Amendment 15

**Proposal for a regulation
Recital 39**

Text proposed by the Commission

(39) To ensure an adequate level of transparency and accountability, providers

Amendment

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of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC.⁴⁰

of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. ***Data should be reported as disaggregated as possible. For example, anonymised individual characteristics such as gender, age group and social background of the notifying parties should be reported, whenever available. Providers offering their services in more than one Member State should also provide a breakdown of the information by Member State.*** However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC⁴⁰. ***Aligned with the annual reports broken down by actions of content moderation and Member State, the results of all forms of violence against women and girls online, hate speech and of other illegal content should reappear in the crime statistics. All forms of violence against women and girls should be reported as an own category in those criminal statistics and law enforcement entities should list them separately.***

⁴⁰ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

⁴⁰ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

Amendment 16

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) Providers of hosting services play a

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Amendment

(40) Providers of hosting services play a

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particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. ***Online platforms may also allow users or trusted flaggers to notify content, including their own, to which others are responding with illegal content at large, such as illegal hate speech.*** The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.

Amendment 17

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) The rules on such notice and action mechanisms should be harmonised at Union level, so as to provide for the timely, diligent and objective processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and

Amendment

(41) The rules on such notice and action mechanisms should be harmonised at Union level, so as to provide for the timely, diligent and objective processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and

legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of the Member State in which those parties are established or reside and of the field of law at issue. The fundamental rights include, as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content.

legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of the Member State in which those parties are established or reside and of the field of law at issue. The fundamental rights include, as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to ***gender equality and the right to non-discrimination*** and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content.

Amendment 18

Proposal for a regulation Recital 46

Text proposed by the Commission

(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in

Amendment

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nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material *and* organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.⁴³

⁴³ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material, organisations committed to notifying illegal racist and xenophobic expressions online *and women's rights organisations such as the European Women's Lobby*. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.⁴³

⁴³ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53

Amendment 19

Proposal for a regulation Recital 52

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising *with* an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising *that can have both* an impact on the equal treatment and opportunities of citizens, *in particular with regard to gender equality, and on the perpetuation of harmful stereotypes and norms*. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to

information stored therein.

Amendment 20

Proposal for a regulation

Recital 57

Text proposed by the Commission

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination **and** the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having

Amendment

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual **exploitation and** abuse material, **unlawful non-consensual sharing of private images and videos, online stalking, doxing, cyberbullying, rape threats** or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through **advertising, recommender systems or** accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination **the right to gender equality**, the rights of the child **and the right to personal data protection. The social dimension, as online platforms play a major role in everyday life, is also affected by phenomena such as online harassment and cyber violence.** Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large

regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

online platform, ***including when algorithms are biased causing a widening of gender gaps and amplify discriminatory speech and content***, or the misuse of their service through the submission of abusive notices or other methods for silencing speech, ***causing harm, such as long term mental health damage, psychological damage and societal damage*** or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.

Amendment 21

Proposal for a regulation Recital 58

Text proposed by the Commission

(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and

Amendment

(58) Very large online platforms should deploy the necessary means to diligently ***cease, prevent and*** mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms

conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms *may* reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They *may* also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with **trusted flagger** organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

and conditions **to cover aspects such as online violence and, in particular, online gender-based violence**. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. **They may also consider providing training to their staff and specifically to content moderators so they can stay up to date on covert language used as a form of illegal hate speech and violence against women and minorities**. Very large online platforms **should** reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They **should** also initiate or increase cooperation with trusted flaggers **and civil society organisations, such as women's rights organisations**, organise training sessions and exchanges with **those** organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and **equality and** fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.

Amendment 22

Proposal for a regulation Recital 58 a (new)

Text proposed by the Commission

Amendment

(58a) Transparency and effectivity of processes is the key to making online platforms safer to use and tackling online violence and illegal content. The actions of online platforms' decisions on how they act, or not, to remove illegal, abusive and harmful content vary hugely and some of the reports can remain unanswered. There must be an easily accessible knowledge for all users on how and why the content is being removed. These processes needs to be fully transparent. Very large online platforms should actively report and publish meaningful data on how they handle gender and other identity-based violence and they should share this information in an easy and accessible way on their platforms on an annual basis. This should include the number of reports they receive per year, and also the number of reports they receive that failed to receive any response from them, disaggregated by the category of the illegal, harmful and abusive content being reported. Very large platforms should ensure that experts and academics have access to the relevant data, e.g. to enable them to compare and evaluate how measures are working in order to gain a better understanding of the extent of the problem. They should also link their measures to international human rights, regularly evaluate, and update the implementation of their own ethical standards.

Amendment 23

Proposal for a regulation Recital 58 b(new)

Text proposed by the Commission

Amendment

(58b) The content of very large online platforms needs to be fully and easily accessible to all of their users. This can be achieved by implementing user-friendly measures into the services that very large

online platforms offer. Very large online platforms should present their terms of service in machine-readable format and also make all their previous versions of their terms of service easily accessible to the public, including by persons with disabilities. Options to report potentially illegal, abusive and harmful content should be easy to find and to use in the native language of the user. Information on support for persons affected and on national contact points should be easily achievable. Very large online platforms should offer and evolve easily accessible services to all users in these kind of and similar cases. They should also make moderation as easy as possible, with the help of tools, training etc. for people administrating and moderating online groups that are using their platforms and services. They should also improve and ensure accessibility of elements and functions of their services for persons with disabilities.

Amendment 24

Proposal for a regulation Recital 59

Text proposed by the Commission

(59) Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations.

Amendment

(59) Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services ***such as consumers' and women's rights organizations***, independent experts and civil society organisations.

Amendment 25

Proposal for a regulation
Recital 62

Text proposed by the Commission

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients *enjoy* alternative options for the main parameters, including options that are not based on profiling of the recipient.

Amendment

(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. ***Those algorithms may lead to negative consequences, such as an increase in cases of online violence, and consequently physical violence, or the promotion of contents deepening personal problems, such as depression or addiction.*** Consequently, very large online platforms ***should regularly review their algorithms to minimise such negative consequences, should avoid gender-biased algorithms and any discriminatory impact on women and girls and*** should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible ***and accessible*** manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients ***have*** alternative options for the main parameters, including ***a visible, user-friendly and readily available option to turn off algorithmic selection with the recommender system entirely and*** options that are not based on profiling of the

recipient. *They should allow independent researchers and relevant regulators to audit their algorithmic tools to make sure they are used as intended.*

Amendment 26

Proposal for a regulation

Recital 63

Text proposed by the Commission

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned.

Amendment

(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned. ***Disinformation, especially political disinformation, has become a huge problem and very large online platforms have more and more become the platforms of sharing this kind of content, especially via advertising. Very large online platforms should take out extremist actors in consultation with independent experts, in case of repeated violations. Very large online platforms should implement comprehensive and verifiable standards and measures to limit the scope of extremist actors and***

purposeful disinformation.

Amendment 27

Proposal for a regulation

Recital 64

Text proposed by the Commission

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

Amendment

(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. ***This data should be provided as disaggregated as possible in order to allow for meaningful conclusions to be drawn from it. For example, it is important that very large online platforms provide gender disaggregated data as much as possible in order for vetted researchers to have the possibility to explore whether and in what way certain online risks are experienced differently***

between men and women. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.

Amendment 28

Proposal for a regulation Recital 74

Text proposed by the Commission

(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions, including from the government, and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators, the Board and the Commission. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate.

Amendment

(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions, including from the government, and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators, the Board and the Commission. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate. ***Moreover, it is important to assure that the Digital Services Coordinator, as well as other competent authorities, have the necessary knowledge***

to guarantee the rights and obligations of this Regulation. Therefore, they should promote education and training on fundamental rights and discrimination for their staff, including training in partnership with law enforcement authorities, crisis management authorities or civil society organisations that support victims of illegal online and offline activities such as harassment, gender-based violence and illegal hate speech.

Amendment 29

Proposal for a regulation Recital 82

Text proposed by the Commission

(82) Member States should ensure that Digital Services Coordinators can take measures that are effective in addressing and proportionate to certain particularly serious and persistent infringements. Especially where those measures can affect the rights and interests of third parties, as may be the case in particular where the access to online interfaces is restricted, it is appropriate to require that the measures be ordered by a competent judicial authority at the Digital Service Coordinators' request and are subject to additional safeguards. In particular, third parties potentially affected should be afforded the opportunity to be heard and such orders should only be issued when powers to take such measures as provided by other acts of Union law or by national law, for instance to protect collective interests of consumers, to ensure the prompt removal of web pages containing or disseminating child pornography, or to disable access to services are being used by a third party to infringe an intellectual property right, are not reasonably available.

Amendment

(82) Member States should ensure that Digital Services Coordinators can take measures that are effective in addressing and proportionate to certain particularly serious and persistent infringements. Especially where those measures can affect the rights and interests of third parties, as may be the case in particular where the access to online interfaces is restricted, it is appropriate to require that the measures be ordered by a competent judicial authority at the Digital Service Coordinators' request and are subject to additional safeguards. In particular, third parties potentially affected should be afforded the opportunity to be heard and such orders should only be issued when powers to take such measures as provided by other acts of Union law or by national law, for instance to protect collective interests of consumers, to ensure the prompt removal of web pages containing or disseminating child pornography, ***content associated with the sexual exploitation and abuse of women and girls and revenge porn***, or to disable access to services are being used by a third party to infringe an intellectual property right, are not reasonably available.

Amendment 30

Proposal for a regulation Recital 88

Text proposed by the Commission

(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level, which should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to one representative per Member State.

Amendment

(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level, which should support the Commission and help coordinate the actions of Digital Services Coordinators. ***This advisory group should strive to achieve a gender-balanced representation in its composition.*** That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to one representative per Member State.

Amendment 31

Proposal for a regulation Recital 91

Text proposed by the Commission

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be

Amendment

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities ***such as the European Data Protection Supervisor and the European Union Agency for Fundamental Rights*** under the chairmanship of the Commission, with a view to ensuring an

of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, **including** equality **between women and men**, and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, **in particular gender** equality and non-discrimination, **eradication of all forms of violence against women and girls and other forms of gender-based violence, including online violence and harassment, online stalking, online sex trafficking, child abuse**, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.

Amendment 32

Proposal for a regulation Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.

Amendment

(b) set out uniform rules for a safe, **accessible, including for persons with disabilities**, predictable and trusted online environment, where fundamental rights enshrined in the Charter, **in particular those relating to equality**, are effectively protected.

Amendment 33

Proposal for a regulation Article 1 – paragraph 5 – point d

Text proposed by the Commission

(d) Regulation (EU) .../.... **on preventing the dissemination of terrorist**

Amendment

(d) Regulation (EU) **2021/784 of the European Parliament and of the**

content online [TCO once adopted];

Council^{1a};

^{1a} Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on addressing the dissemination of terrorist content online (OJ L 172, 17.5.2021, p. 79).

Amendment 34

Proposal for a regulation

Article 1 – paragraph 5 – point d a (new)

Text proposed by the Commission

Amendment

(da) Regulation (EU) 2021/1232 of the European Parliament and of the Council^{1a};

^{1a} Regulation (EU) 2021/1232 of the European Parliament and of the Council on a temporary derogation from certain provisions of Directive 2002/58/EC as regards as the use of technologies by providers of number-independent interpersonal communications service for the processing of personal and other data for the purpose of combatting online child sexual abuse (OJ L 274, 30.7.2021, p. 41).

Amendment 35

Proposal for a regulation

Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) ‘child’ means any natural person under the age of 18;

Amendment 36

Proposal for a regulation

Article 2 – paragraph 1 – point g

Text proposed by the Commission

(g) ‘illegal content’ means any information, which, in itself or by its reference to an activity, including the sale of products or provision of services is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;

Amendment

(g) ‘illegal content’ means any information, which, in itself or by its reference to an activity, including the sale of products or provision of services is ***manifestly*** not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law; ***reporting or warning of an illegal act shall not be deemed illegal content***;

Amendment 37

Proposal for a regulation

Article 2 – paragraph 1 – point q a (new)

Text proposed by the Commission

Amendment

(qa) "gender-based online violence" means any act of gender-based violence that is committed, assisted or aggravated in part or fully by the use of ICT, such as mobile phones and smartphones, the internet, social media platforms or email, against a woman because she is a woman or affects women disproportionately, or against LGBTI people because of their gender identity, gender expression or sex characteristics, and results in, or is likely to result in physical, sexual, psychological or economic harm, including threats to carry out such acts, coercion or arbitrary deprivation of liberty, in public or private life

Amendment 38

Proposal for a regulation

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Injunction orders

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

Amendment 39

Proposal for a regulation Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Point of contact for recipients of a service

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

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

Amendment 40

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content

1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content

moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.

moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format, ***in a searchable archive of all the previous versions with their date of application.***

Amendment 41

Proposal for a regulation Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Providers of intermediary services shall act in a diligent, ***non-discriminatory, transparent***, 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 42

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

Text proposed by the Commission

Amendment

2a. Providers of intermediary services shall include on their platforms their terms and conditions, setting out behavioural rules for their users. Those rules shall be publicly accessible in an easily understandable format, shall promote gender equality and non-discrimination, shall be age-appropriate, shall be set out in clear and unambiguous language and meet the highest European or international standards as referred to in Article 34.

Amendment 43

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

Text proposed by the Commission

Amendment

2b. Very large online platforms as referred to in Article 25(1) shall publish their terms and conditions in all languages of the Member States in which they provide services and upon request in all official languages of the Union. They shall set out their terms and conditions in machine-readable format.

Amendment 44

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 may seek to cooperate, in coordination with the Board, with very large online platforms as referred to in Article 25(1) to apply measures and tools of content moderation, in order to address infringements of the obligations laid down in this Regulation.

Amendment 45

Proposal for a regulation Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Child impact assessment

1. All providers of intermediary services shall assess whether their services are accessed by, likely to be accessed by, or impact children, especially girls.

Providers of services likely to impact children, especially girls, shall identify, analyse and assess, during the design and development of new services, on an ongoing basis and at least once a year, any systemic risks stemming from the functioning and use of their services in the Union for children, especially girls. Those risk impact assessments shall be specific to their services, meet the highest European or international standards referred to in Article 34, and shall consider all known content, contact, conduct or commercial risks included in the contract. Assessments shall also include the following systemic risks:

(a) the dissemination of illegal content or behaviour enabled by, manifested on or as a result of their services;

(b) any negative effects for the exercise of the rights of the child, as enshrined in Article 24 of the Charter and in the UN Convention on the Rights of the Child, and detailed in the United Nations Committee on the Rights of the Child General comment No. 25 as regards the digital environment;

(c) any negative effects on the right to gender equality, as enshrined in Article 23 of the Charter, particularly the right to live free from violence as envisaged by the Council of Europe Convention on preventing and combating violence against women and girls (Istanbul Convention);

(d) any negative effects on the right to non-discrimination, as enshrined in Article 21 of the Charter;

(e) any intended or unintended consequences resulting from the operation or intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on children's rights, especially of girls.

2. When conducting such impact assessments, providers of intermediary services likely to impact children, especially girls, shall take into account, in particular, how their terms and conditions, content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions or with the rights of the child, especially of girls.

Amendment 46

Proposal for a regulation Article 12 b (new)

Text proposed by the Commission

Amendment

Article 12b

Mitigation of risks to children, especially girls

Providers of intermediary services likely to impact children, especially girls, shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 12a.

Such measures shall include, where applicable:

- (a) implementing mitigation measures identified in Article 27 with regard for children's best interests;**
- (b) adapting or removing system design features that expose children to content, contact, conduct and contract risks, as identified in the process of conducting child impact assessments;**
- (c) implementing proportionate and privacy preserving age assurance, meeting**

the standard outlined in Article 34;

(d) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions to ensure they prioritise the best interests of the child and gender equality;

(e) ensuring the highest levels of privacy, safety, and security by design and default for children;

(f) preventing profiling of children, including for commercial purposes like targeted advertising;

(g) ensuring published terms are age appropriate and uphold children's rights and gender equality;

(h) providing child-friendly and inclusive mechanisms for remedy and redress, including easy access to expert advice and support.

Amendment 47

Proposal for a regulation

Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 48

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, ***anonymised data on individual characteristics of those who submit those notices such as gender, age group and social background***, 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 49

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, ***anonymised data on individual characteristics of those who submit those complaints, such as gender, age group and social background***, 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 50

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Protection of the identity of the victims concerned shall be ensured, in line with GDPR standards.

Amendment 51

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

Text proposed by the Commission

Amendment

1b. Providers of intermediary services that impact children, especially girls, shall publish, at least once a year:

(a) child impact assessments to identify known harms, unintended consequences and emerging risks; those impact assessments shall comply with the standards outlined in Article 34;

(b) clear, easily comprehensible and detailed reports outlining the gender equality and child risk mitigation measures undertaken, their efficacy and any outstanding actions required; those reports shall comply with the standards outlined in Article 34, including as regards age assurance and age verification, in line with a child-centred design that equally promotes gender equality.

Amendment 52

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

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, and allow for the submission of notices exclusively by electronic means.

1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them, **in languages of a Member State in which they provide services and upon request in all official languages of the Union**, of the presence on their service of specific items of information that the individual or entity considers to be illegal content **or content that infringes the terms and conditions of the service**. Those mechanisms shall be

easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.

Amendment 53

Proposal for a regulation

Article 14 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the option for those submitting notices to outline some of their individual characteristics, such as gender, age group or social background; the providers shall make clear that this information shall not be part of the decision-making process with regard to the notice, shall be completely anonymised and used solely for reporting purposes.

Amendment 54

Proposal for a regulation

Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The provider of intermediary services shall also notify the recipients, where contact details are available, giving them the opportunity to reply, unless this would obstruct the prevention and prosecution of serious criminal offences, create undue delays or increase the risk of further distribution of illegal content.

Amendment 55

Proposal for a regulation

Article 14 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Upon receipt of a valid notice,

providers of hosting services shall act expeditiously to disable access to content which is manifestly illegal.

Amendment 56

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

Text proposed by the Commission

Amendment

6b. *The provider of hosting services shall ensure that processing of notices is undertaken by qualified staff to whom adequate initial and ongoing training on the applicable legislation and international human rights standards, including anti-discrimination, as well as appropriate working conditions are to be provided, including, where relevant, professional support, qualified psychological assistance and legal advice.*

Amendment 57

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

Text proposed by the Commission

Amendment

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

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

Amendment 58

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

Text proposed by the Commission

Amendment

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

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

Amendment 59

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*** to suspend or terminate the recipients' account.

Amendment 60

Proposal for a regulation Article 17 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) decisions whether to restrict the ability to monetise content provided by the recipients.

Amendment 61

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.

2. Online platforms shall ensure that their internal complaint-handling ***and redress*** systems are easy to access ***and*** user-friendly, ***including for children***, and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.

Amendment 62

Proposal for a regulation Article 17 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Online platforms shall give the option for those submitting complaints to outline some of their individual

characteristics, such as gender, age group and social background. Online platforms shall make clear that that information is not part of the decision-making process in regards to the complaint, is completely anonymised and is used solely for reporting purposes.

Amendment 63

Proposal for a regulation

Article 24 a (new)

Text proposed by the Commission

Amendment

Article 24a

Recommender systems

- 1. Online platforms shall not make the recipients of their services subject to recommender systems based on profiling, unless the recipient of the service has expressed a freely given, specific, informed and unambiguous consent. Online platforms shall ensure that the option that is not based on profiling is activated by default.*
- 2. Online platforms shall set out in their terms and conditions and when content is recommended, 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 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. Online platforms shall also enable the recipients of the service to view, in a user-friendly manner, any profile or profiles used to curate their own content. They shall provide users with an easily accessible option to delete their profile or profiles used to curate the content the recipient sees.*

3. *The parameters referred to in paragraph 2 shall include, at a minimum:*
 - (a) *the recommendation criteria used by the relevant system;*
 - (b) *how these criteria are weighted against each other;*
 - (c) *what goals the relevant system has been optimised for; and*
 - (d) *if applicable, an explanation of the role that the behaviour of the recipients of the service plays in how the relevant system produces its outputs.*
4. *Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible function on their online interface allowing the recipients 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.*
5. *Online platforms shall inform their users about the identity of the person responsible for the recommender system.*
6. *Online platforms shall ensure that the algorithm used by their recommender system is designed in such a way that it does not risk misleading or manipulating the recipients of the service when they use it.*
7. *Online platforms shall ensure that information from trustworthy sources, such as information from public authorities or from scientific sources, is displayed as first results following search queries that are related to areas of public interest.*

Amendment 64

**Proposal for a regulation
Article 24 b (new)**

Article 24b

Protections against image-based sexual abuse

Where an online platform is primarily used for the dissemination of user generated pornographic content, the platform shall take the necessary technical and organisational measures to ensure:

- (a) that the identity of users who disseminate content has been verified through a double opt-in e-mail and cell phone registration;***
- (b) professional human-powered content moderation in line with Article 14(6b), where content having a high probability of being illegal, such as voyeuristic content or content enacting rape scenes, is reviewed;***
- (c) the accessibility of an anonymous qualified notification procedure in addition to the mechanism referred to in Article 14 and respecting the same principles with the exception of paragraph 4a of that Article, allowing individuals to notify the platform with the claim that image material depicting them or purporting to be depicting them is being disseminated without their consent and supply the platform with prima facie evidence of their physical identity; content notified through this procedure shall be considered manifestly illegal in terms of Article 14(6a) and shall be suspended within 48 hours.***

Amendment 65

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 66

**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 67

**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

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 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

(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 information, the prohibition of discrimination, **gender equality** and the rights of the child, as enshrined in Articles 7, 11, 21, **23** and 24 of the Charter respectively;

Amendment

(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 **gender equality, online violence or on** the protection of public health (**including mental health**), minors,

processes and public security.

civic discourse, or actual or foreseeable effects related to electoral processes and public security.

Amendment 68

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 illegal content ***or the content risking increase in online violence, deepening the marginalisation of vulnerable communities who are often targets of online hate speech*** and of information that is incompatible with their terms and conditions.

Amendment 69

Proposal for a regulation Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Very large online platforms shall regularly review their algorithms to minimise negative consequences, such as an increase in cases of online violence, and consequently physical violence. Very large online platforms shall implement comprehensive and verifiable standards and measures to limit deliberate misinformation.

Amendment 70

Proposal for a regulation
Article 26 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *Very large online platforms shall offer easily accessible explanations that allow users to understand when, why, for which tasks, and to which extent algorithmic tools are used. They shall let users, in an easy and accessible way, choose whether to accept the algorithms used on their platforms and in their services. They shall allow independent researchers and relevant regulators to audit their algorithmic tools to ensure that they are used as intended.*

Amendment 71

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 pursuant to Article 26. Such measures **may** include, where applicable:

1. Very large online platforms shall put in place reasonable, proportionate and effective measures **to cease, prevent and mitigate systemic risks**, tailored to the specific systemic risks identified pursuant to Article 26. Such measures **shall** include, where applicable:

Amendment 72

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 advertisements, **illegal or harmful content** in association with the service they provide;

Amendment 73

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 mitigation measures listed in paragraph 1 of this Article, it shall provide written reasons. Those reasons shall be provided to the independent auditors for the purpose of the audit report referred to in Article 28(3).

Amendment 74

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 ***cease, prevent and*** mitigate the systemic risks identified.

Amendment 75

Proposal for a regulation Article 28 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the obligations set out in Chapter III;

(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;***

Amendment 76

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1) ***and to verify the effectiveness of the risk mitigation measures taken by the very large online platform in question under Article 27.***

Amendment 77

Proposal for a regulation
Article 31 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The data provided to vetted researchers shall be as disaggregated as possible, unless the researcher requests it otherwise.

Amendment 78

Proposal for a regulation
Article 31 – paragraph 4

Text proposed by the Commission

Amendment

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research

4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, ***disclose the funding financing the research***, have proven records of expertise in the fields related to

methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.

Amendment 79

Proposal for a regulation Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33a

Algorithm accountability

- 1. When using automated decision-making, the very large online platform shall perform an assessment of the algorithms used.**
- 2. When carrying out the assessment referred into paragraph 1, the very large online platform shall assess the following elements:**
 - (a) the compliance with corresponding Union requirements;**
 - (b) how the algorithm is used and its impact on the provision of the service;**
 - (c) the impact on fundamental rights, including on consumer rights, as well as the social effect of the algorithms; and**
 - (d) whether the measures implemented by the very large online platform to ensure the resilience of the algorithm are appropriate with regard to the importance of the algorithm for the provision of the service and its impact on elements referred to in point (c).**
- 3. When performing its assessment, the very large online platform may seek advice from relevant national public authorities, researchers and non-governmental organisations.**
- 4. Following the assessment referred to in paragraph 2, the very large online**

platform shall communicate its findings to the Commission. The Commission shall be entitled to request additional explanation on the conclusion of the findings, or when the additional information on the findings provided are not sufficient, any relevant information on the algorithm in question in relation to points (a), (b), (c) and (d) of paragraph 2. The very large online platform shall communicate such additional information within a period of two weeks following the request of the Commission.

5. Where the very large online platform finds that the algorithm used does not comply with point (a) or (d) of paragraph 2, the provider of the very large online platform shall take appropriate and adequate corrective measures to ensure the algorithm complies with the criteria set out in paragraph 2.

6. Where the Commission finds that the algorithm used by the very large online platform does not comply with point (a), (c) or (d) of paragraph 2, on the basis of the information provided by the very large online platform, and that the very large online platform has not undertaken corrective measures as referred to in paragraph 5, the Commission shall recommend appropriate measures laid down in this Regulation to stop the infringement.

Amendment 80

Proposal for a regulation Article 34 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall support and promote the development and implementation of industry standards set by relevant European and international standardisation bodies for the protection

and promotion of the rights of the child and the right to gender equality, observance of which, once adopted, will be mandatory, at least for the following:

(a) age assurance and age verification pursuant to Article 13;

(b) child impact assessments pursuant to Article 13;

(c) age-appropriate terms and conditions that equally promote gender equality pursuant to Article 12;

(d) child-centred design that equally promotes gender equality and pursuant to Article 13.

Amendment 81

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 82

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission **may invite** the

Amendment

2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission, **after**

very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.

consulting the Board, shall request the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations, ***including organisations working on gender equality, experts on fundamental rights*** and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes. ***Trusted flaggers and vetted researchers may submit to the Commission and the Board requests for codes of conduct to be considered based on the systemic risk reports referred to in Article 13 and research evaluating the impact of the measures put in place by online platforms to address these systemic risks.***

Amendment 83

Proposal for a regulation Article 36 a (new)

Text proposed by the Commission

Amendment

Article 36a

Codes of conduct for the fight against online violence

1. The Commission shall encourage the development of codes of conduct for the fight against online violence at Union level, between online platforms and other relevant service providers, organisations representing victims of online violence, civil society organisations and law enforcement authorities. Those codes of conduct shall contribute to further transparency and reporting requirements with regard to instances of online violence, with special attention to gender-based violence. Those codes of conduct

shall also strengthen requirements on how online platforms and other service providers deal with these instances.

2. The Commission shall aim to ensure that the codes of conduct referred to in paragraph 1 pursue an effective transmission of information, in full respect of the rights of all parties involved, and clarify how online platforms and other relevant service providers should deal with particularly sensitive cases of illegal content, such as content related to unlawful non-consensual sharing of private images, in accordance with Union and national law. The Commission shall aim to ensure that the codes of conduct address at least:

(a) the categories of illegal content related to online violence which should be used by providers of intermediary services in the detailed reports referred to in Article 13;

(b) the types of illegal content associated with online violence, such as content related to unlawful non-consensual sharing of private images, that very large online platforms should consider as possible systemic risks when pursuing their risks assessments referred to in Article 26;

(c) the information that online platforms and other relevant service providers should provide to law enforcement or judicial authorities when there is suspicion of a serious criminal offence related to online violence, such as content related to unlawful non-consensual sharing of private images, pursuant to Article 21;

(d) any standardised information that should be provided in addition to Article 14(4) to the individual or entity that submitted a notice of the presence of alleged illegal content related to online violence, such as the contact details of organisations supporting victims of gender-based violence as well as how to

access relevant public services, such as psychological support.

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

Amendment 84

Proposal for a regulation Article 37 – paragraph 4 – point e

Text proposed by the Commission

(e) safeguards to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information **and** the right to non-discrimination;

Amendment

(e) safeguards to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information, **the right to equality between women and men**, the right to non-discrimination **and the rights of the child**;

Amendment 85

Proposal for a regulation Article 45 – paragraph 7

Text proposed by the Commission

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

Amendment

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

the proceedings pursuant to paragraph 1.

Amendment 86

Proposal for a regulation Article 48 – paragraph 5

Text proposed by the Commission

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

Amendment

5. The Board may invite experts and observers to attend its meetings, and may cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts, *in areas such as equality, in particular gender equality, and non-discrimination, online violence and harassment, online stalking and child abuse, where relevant*. The Board shall make the results of this cooperation publicly available.

Amendment 87

Proposal for a regulation Article 48 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *The composition of the Board shall be gender balanced.*

Amendment 88

Proposal for a regulation Article 50 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *may*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services

Amendment

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *shall*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services

Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within *a reasonable time period*.

Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision *without undue delay and in any event* within *two months*.

Amendment 89

Proposal for a regulation

Article 51 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 90

Proposal for a regulation

Article 51 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC		
References	COM(2020)0825 – C9-0418/2020 – 2020/0361(COD)		
Committee responsible Date announced in plenary	IMCO 8.2.2021		
Opinion by Date announced in plenary	FEMM 11.3.2021		
Rapporteur for the opinion Date appointed	Jadwiga Wiśniewska 12.4.2021		
Discussed in committee	1.7.2021	30.9.2021	11.10.2021
Date adopted	12.10.2021		
Result of final vote	+: 30	–: 0	0: 1
Members present for the final vote	Isabella Adinolfi, Simona Baldassarre, Vilija Blinkevičiūtė, Annika Bruna, Margarita de la Pisa Carrión, Rosa Estaràs Ferragut, Frances Fitzgerald, Cindy Franssen, Heléne Fritzon, Lina Gálvez Muñoz, Elżbieta Katarzyna Łukacijewska, Karen Melchior, Andželika Anna Mozdżanowska, Maria Noichl, Pina Picierno, Sirpa Pietikäinen, Samira Rafaela, Evelyn Regner, Diana Riba i Giner, María Soraya Rodríguez Ramos, Christine Schneider, Sylwia Spurek, Jessica Stegrud, Ernest Urtasun, Hilde Vautmans, Elissavet Vozemberg-Vrionidi, Chrysoula Zacharopoulou, Marco Zullo		
Substitutes present for the final vote	Lena Düpont, Maria-Manuel Leitão-Marques, Kira Marie Peter-Hansen		

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

30	+
ECR	Andželika Anna Mozdzanowska, Margarita de la Pisa Carrión
ID	Simona Baldassarre, Annika Bruna
PPE	Isabella Adinolfi, Lena Düpont, Rosa Estaràs Ferragut, Frances Fitzgerald, Cindy Franssen, Sirpa Pietikäinen, Christine Schneider, Elissavet Vozemberg-Vrionidi, Elżbieta Katarzyna Lukacijewska
Renew	Karen Melchior, Samira Rafaela, María Soraya Rodríguez Ramos, Hilde Vautmans, Chrysoula Zacharopoulou, Marco Zullo
S&D	Vilija Blinkevičiūtė, Helène Fritzon, Lina Gálvez Muñoz, Maria-Manuel Leitão-Marques, Maria Noichl, Pina Picierno, Evelyn Regner
Verts/ALE	Kira Marie Peter-Hansen, Diana Riba i Giner, Sylwia Spurek, Ernest Urtasun

0	-

1	0
ECR	Jessica Stegrud

Key to symbols:

+ : in favour

- : against

0 : abstention