



## **Nordic retail sector's proposal for amendments to the DSA– in order to restore consumer safety and level playing field on the internal market**

The Nordic commerce sector welcomes the Digital Service Act (DSA) since it is an important legislative act in addressing problems with dangerous, unsafe and non-compliant products from third country sellers and distortions of competition. With the DSA initiative, we finally have a chance to improve consumer rights and safety while putting an end to distorted competition from 3<sup>rd</sup> countries faced by the European commerce sector.

We are concerned about the one-size-fits-all approach to “content” and “goods” in the DSA, as the two are regulated fundamentally different. Previous control and liability is the way to ensure consumer safety in regard to the sale of goods whereas subsequent takedowns is the tool tackling illegal content. However, subsequent notice and take down is not sufficient tackling illegal products as it puts consumers safety at risk. We therefor recommend a specific chapter on online marketplaces in the DSA.

We believe that the IMCO rapporteur has tabled amendments which rightly recognize online marketplaces as a special category of online intermediaries and the importance of fair platform economy, and which aim at solving the challenges with the lack of consumer protection and level playing field. We urge the Members of the IMCO Committee and the European Parliament to support such a direction of the DSA proposal.

We, the Nordic retail organizations are happy provide our enclosed list of main points and considerations:

### **The Nordic retail organizations especially want to emphasize the following amendments by IMCO rapporteur Schaldemose:**

- **The IMCO rapporteur's amendment 5** *Clarification on the legal status of search engines*: We believe that this is sufficient and well balanced.
- **The IMCO rapporteur's amendment 63** *Expanded definition of business user*: We believe that a clarification and an introduction of the definition of *business user* is necessary in the DSA. This definition is in line with P2B regulation and makes the Know Your Business Customer obligation, KYBC, sufficient.

- **The IMCO rapporteur's amendment 73 Intermediary liability:** The Nordic Retail Sector consider this the most important proposal in the DSA. We believe that this is sufficient, well balanced and necessary to ensure a safe online environment for consumers, sustainable consumption (less returns and impact on the environment) and to be able to create level playing field between different business models and a well-functioning single market.
  - There should be **liability for online marketplaces** when they intermediate the sale of goods between a seller in a third country and a buyer in the EU, where there is no manufacturer or importer in EU. This should apply regardless of how passive the online marketplace is. This is in line with the applicable legislation on product safety in EU.
  - The proposal is balanced because the rapporteur's amendment introduce the right to recourse/ the possibility to seek redress for the online marketplace from the trader, **art 5a.6.**
- **The IMCO rapporteur's amendment 89 Display of identity of business users:** We believe that it is proportionate that an obligation to display the identity of the business user alongside the good is introduced.
  - The proposed obligation is in line with P2B regulation art 3.5.
- **The IMCO rapporteur's amendment 90 Expanded transparency requirements:** The principle of *know your business customer* should be amended so that it also mirrors the obligations of a distributor and an importer, cf. the NLF and the GPSD.
- **The IMCO rapporteur's amendment 96 Stay down:** This is sufficient and effective. In order to have an effective legislation for illegal products online marketplaces need to have an obligation to prevent the illegal products from reappearing on the online marketplace. This is very important for both consumers and level playing field.
- **The IMCO rapporteur's amendment 106 Repeat infringers:** We believe this is a good aim and an important amendment. We do though believe that online marketplaces **shall put in place sufficient measure to ensure** that suspended recipients of the service shall not be able to use the service again until the suspension has been lifted.
- **The IMCO rapporteur's amendment 111 Traceability of traders, products and services** We believe that this amendment is important since the scope of the KYBC obligation is larger than only traceability of traders. Products and services should also be included.
- **The IMCO rapporteur's amendment 117 Self-certification** We support deleting this amendment since self-certification has been proved not being sufficient to ensure consumer protection and level playing field.
- **The IMCO rapporteur's amendment 118 Identification of the products** We believe this to be an important clarification which is in line with obligations for other retailers. However, unequivocal identification of the product or service can be overly prohibitive for traders and simply an obligation to provide information allowing for the identification should suffice.
- **The IMCO rapporteur's amendment 119 Know your business customer principle:** We welcome this amendment because it is straight forward, clear and gives the platform obligations to act proactively. This addition ensures the safety **before** the product is offered on the online marketplace. We add special tasks for the online marketplaces to perform when they allow sellers from third countries to sell products to EU consumers (important because there is no other economic operator in the EU to do this in these cases contrary to the situations where the seller is based in the EU).

- **The IMCO rapporteur’s amendment 120 *Random checks***: To create sufficient oversight of products and to prevent illegal products from third countries entering the Union, we need checks and controls on the marketplaces. This amendment is proportionate since these kind of adequate measures like random checks is something retailers do on their websites regularly.
- **The IMCO rapporteur’s amendment 122 *Storage of information*** This is important to create a cooperation between online marketplaces and authorities, in case of market surveillance.
- **The IMCO rapporteur’s amendment 132 *Expanded definition of VLOPs***: Very important amendment because for online marketplaces the number of active users per month is not as sufficient as for social media. If this definition is not changed no marketplaces would be included of the scope of Very Large Online Platforms. The Nordics therefore think it is important to include the annual turnover as an indicator of whether you define as a VLOP or not.

## ANNEX 1: Overview of amendments and proposals

<i>Amendments (Recital + Article)</i>	<i>Text proposed by the Commission</i>	<i>IMCO rapporteur Schaldemose Amendments</i>	<i>The Councils compromise text June 4<sup>th</sup> 2021</i>	<i>The Nordic retail organisation’s suggestion</i>	<i>The Nordic retail organisation’s justification</i>
<i>Amendment 1 (Recital 3)</i>	(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.	(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, <b><i>a high level of consumer protection</i></b> , and the right to non-discrimination.	(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.	Support the wording of IMCO rapporteur Schaldemoses amendment	A high level of consumer protection is crucial to a safe online environment, particularly when buying goods or services through online marketplaces or the like.

<p>Amendment 2 (Recital 8)</p>	<p>(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of <i>the existence of a significant number of users in one or more Member States, or the targeting</i> of activities towards one or more Member States. The <i>targeting</i> of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The <i>targeting</i> of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website</p>	<p>(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of <i>a directing</i> of activities towards one or more Member States. The <i>directing</i> of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The <i>directing</i> of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>27</sup>. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground</p>	<p>(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more Member States <u>in relation to their population</u>, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or <u>using the use of a relevant national</u>-top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>6</sup>. On the other hand, mere</p>	<p>Support the wording of IMCO rapporteur Schaldemoses amendment 2 (recital 8)</p>	<p>If an online platform or online marketplace directs its activities to the EU, it should be considered to have such a connection to the EU, regardless of how many users on its platform.</p> <p>It is the most simple and efficient definition.</p> <p>The Commission proposal leaves it open for interpretation and thereby risk creating an unlevel playing field.</p>
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	<p>from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.</p> <p>_____</p> <p><sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).</p>	<p>alone, be considered as establishing a substantial connection to the Union.</p> <p>_____</p> <p><sup>27</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).</p>	<p>technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union.</p> <p>_____</p> <p><sup>6</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).</p>		
<p><i>Amendment 4 (Recital 12)</i></p>	<p>(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 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 <i>relates</i> 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</p>	<p>(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 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 <i>is not in compliance with Union law since it refers</i> 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-</p>	<p>(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 <u>underpin the general idea that what is illegal offline should also be illegal online. The concept should be defined broadly to cover</u> <del>be defined broadly and also covers</del> 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 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</p>	<p>(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concepts of “illegal content” and “illegal goods” should <u>underpin the general idea that what is illegal offline should also be illegal online. The concepts should be defined broadly to cover</u> <del>be defined broadly and also covers</del> information relating to illegal content, products, services and activities. In particular, <u>the at</u></p>	<p>Illegal products should be mentioned explicitly.</p> <p>It is not enough to illegal products be covered by “illegal content” since products are regulated very differently from illegal content.</p> <p>This proposal merges the proposals of the IMCO rapporteur and the Council compromise.</p> <p>However, if a specific chapter on online marketplaces was added it would allow a clearer distinction.</p>

	<p>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.</p>	<p>authorised 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.</p>	<p>private images, online stalking, the sale of non-compliant or counterfeit products, <b><u>the sale of products or the provision of services in infringement of consumer protection law</u></b>, the non-authorized use of copyright protected material, <b><u>or the illegal offer of accommodation services</u></b> <del>or activities involving infringements of consumer protection law</del>. 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.</p>	<p>concepts 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 or terrorist content and unlawful discriminatory content, or that <i>is not in compliance with Union law since it</i> 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, <b><u>the sale of products or the provision of services in infringement of consumer protection law</u></b>, the non-authorized use of copyright protected material, <b><u>or the illegal offer of accommodation services</u></b> <del>or activities involving infringements of consumer protection law</del>. In this regard, it is immaterial whether the illegality of the</p>	
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<i>Amendment 5 (Recital 13)</i>	(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation	(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as <i>search engines</i> , social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the	(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks, or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature <b>that is intrinsically linked to</b> <del>of</del> another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent	Support the wording of IMCO rapporteur Schaldemoses amendment 5 (recital 13)	Search Engines need to be included in the scope as they play an important role and since they also directly provide illegal goods via their services, for example counterfeits.

	applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.	rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.	the applicability of the rules of this Regulation applicable to online platforms. For example, the <b><u>hosting of a</u></b> comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher. <b><u>In contrast, the hosting of comments in a social network should be considered an online platform service, where it is clear that it is a major feature of the service offered, even if ancillary to the publishing of users' posts.</u></b>		
<i>Amendment 6 (Recital 17)</i>	(17) The relevant rules of Chapter II should <b><i>only</i></b> establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. <b><i>Those rules should not be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine.</i></b> Furthermore, the exemptions from liability established in this Regulation should apply in respect of any type of liability as regards any type of illegal content, irrespective of the precise subject matter or nature of those laws.	(17) The relevant rules of Chapter II should establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Furthermore, the exemptions from liability established in this Regulation should apply in respect of any type of liability as regards any type of illegal content, irrespective of the precise subject matter or nature of those laws.	(17) The relevant rules of Chapter II should only establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should not be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine. Furthermore, the exemptions from liability established in this Regulation should apply in respect of any type of liability as regards any type of illegal content, irrespective of the precise subject matter or nature of those laws.	Support the wording of IMCO rapporteur Schaldemose amendment 6 (recital 17)	The DSA establishes when a platform and online marketplace is exempted from liability.  If a platform and online marketplace does not comply with the conditions to keep the exemption, it should provide a positive basis for establishing when a provider can be held liable according to EU and national laws.
<i>Amendment 8 (Recital 22)</i>	(22) In order to benefit from the exemption from liability for hosting	(22) In order to benefit from the exemption from liability for hosting	(22) In order to benefit from the exemption from liability for hosting	(22) In order to benefit from the exemption from	The DCC supports the IMCO rapporteur's



	<p>services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.</p>	<p>services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content <b><i>taking into account the potential harm the illegal content in question may create. In order to ensure a harmonised implementation of illegal content removal throughout the Union, the provider should, within 24 hours, remove or disable access to illegal content that can seriously harm public policy, public security or public health or seriously harm consumers' health or safety. Where the illegal content does not seriously harm public policy, public security, public health or consumers' health or safety, the provider should remove or disable access to illegal content within seven days. The deadlines referred to in this Regulation should be without prejudice to specific deadlines set out in Union law or within administrative or judicial orders. The provider may derogate from the deadlines referred to in this Regulation on the grounds of force majeure or for justifiable technical or operational reasons but it should be required to inform the competent authorities as provided for in this Regulation.</i></b> The removal or disabling of access should be undertaken in the observance of the principle of <b><i>the Charter of</i></b></p>	<p>services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.</p>	<p>liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content <b><i>taking into account the potential harm the illegal content in question may create. In order to ensure a harmonised implementation of illegal content removal throughout the Union, the provider should, within 24 hours, remove or disable access to illegal content that can seriously harm public policy, public security or public health or seriously harm consumers' health or safety. Where the illegal content does not seriously harm public policy, public security, public health or consumers' health or safety, the provider should remove or disable access to illegal content within seven</i></b></p>	<p>amendment to insert timelines in order to minimize the harm of illegal content.</p> <p>We have added that these rules should not apply to illegal goods since goods should never been able to be placed on an online marketplace. In these cases</p> <p>However, when illegal goods - despite the online marketplaces has complied with the requirements to do previous compliance checks – appears they should of course be obligated to comply with the notice and take down obligations as well.</p>
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		<p><b>Fundamental Rights, including a high level of consumer protection and</b> freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.</p>		<p><i>days. The deadlines referred to in this Regulation should be without prejudice to specific deadlines set out Union law or within administrative or judicial orders. The provider may derogate from the deadlines referred to in this Regulation on the grounds of force majeure or for justifiable technical or operational reasons, but it should be required to inform the competent authorities as provided for in this Regulation.</i></p> <p>The removal or disabling of access should be undertaken in the observance of the principle of <i>the Charter of Fundamental Rights, including a high level of consumer protection and</i> freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by</p>	
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				individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.	
Amendment 9 (Recital 23)	(23) In order to ensure the effective protection of consumers <b>when engaging in intermediated commercial transactions online</b> , certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined	(23) In order to ensure the effective protection of consumers certain providers of hosting services, namely, online platforms that allows consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation <b>unless they comply with a number of specific requirements set out in this Regulation, including the appointment of a legal representative in the Union, the implementation of notice and action mechanisms, the traceability of traders using their services, the provision of information on their online advertising and their recommender system practices and policy as well as transparency requirements towards the consumers as laid down in Directive 2011/83/EU of the European Parliament and of</b>	(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, it should be determined	(23) In order to ensure the effective protection of consumers certain providers of hosting services, namely, online platforms that allows consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation <b>unless they comply with a number of specific requirements set out in this Regulation, including the appointment of a legal representative in the Union, the implementation of</b>	The amendment clarifies the conditions for being exempted from liability.

	<p>objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief <b>on the side of an average and reasonably well-informed consumer.</b></p>	<p><b><i>the Council. In addition, they should not be able to benefit from the exemption from liability for hosting service providers establishing in this Regulation</i></b> in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, is should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief.</p>	<p>objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.</p>	<p><b><i>compliance procedures, notice and action mechanisms, the traceability of traders using their services, as well as transparency requirements towards the consumers as laid down in Directive 2011/83/EU of the European Parliament and of the Council. In addition, they should not be able to benefit from the exemption from liability for hosting service providers establishing in this Regulation</i></b> in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information,</p>	
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				even if that may in reality not be the case. In that regard, it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief.	
Amendment 10 (Recital 23a, new)		<p><i>(23a) European consumers should be able to safely purchase products and services online, irrespective of whether a product or service has been produced in the Union or not.</i></p> <p><i>Consumer protection is currently jeopardised when products and services produced in third countries are sold in the Union online. When products or services do not comply with legal requirements set out in Union law, the consumers can be put in a situation where their rights, guaranteed by the consumer legislation acquis, cannot be enforced effectively. In order to remedy this situation, the online platforms that allow distance contracts with traders from third countries should not be able to benefit from the exemption from liability of hosting service providers when there is no economic operator inside the Union liable for the product safety or when the economic operator is available but does not respond to claims and when the product does not comply with the</i></p>		<p><i>(23a) European consumers should be able to safely purchase products and services online, irrespective of whether a product or service has been produced in the Union or not. The consumers should as well be able to get coverage for damages that they suffer from defective products that are sold through European online marketplaces from sellers in third countries. Consumer protection is currently jeopardised when products and services produced in third countries are sold in the Union online without any operator in EU being responsible and liable. When products or</i></p>	<p>We support the wording of IMCO rapporteur Schaldemose. It is an important new proposal which clarifies that online marketplaces that allows traders from third countries to sell to EU consumers cannot be exempted from liability when there is no responsible economic operator inside the EU liable for the product safety.</p>

		<p><i>relevant product safety and product compliance Union law or national law.</i></p>		<p><i>services do not comply with legal requirements set out in Union law, the consumers can be put in a situation where their rights, guaranteed by the consumer legislation acquis, cannot be enforced effectively. In order to remedy this situation, the online platforms that allow distance contracts with traders from third countries should not be able to benefit from the exemption from liability of hosting service providers when there is no other economic operator inside the Union who is liable for the product safety or when the economic operator is available but does not respond to claims and when the product does not comply with the relevant product safety and product compliance Union law or national law. In this regard it is important to stress that the new market surveillance regulation</i></p>	
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				<p><i>(2019/2020) does not solve this challenge, since the authorised representative is not responsible for the safety of the product or liable towards the consumers in case of damages from a defective product – unlike physical supply of products to EU there is no distributor in the case of ecommerce through online marketplaces between sellers in third countries and EU consumers that the consumer can turn to. Further the it is important to make sure that the protection of consumers laid down in Council Directive 85/374/EEC are fulfilled by the online marketplace in cases where the seller of the product is placed in a third country.</i></p>	
<p><i>Amendment 11 (Recital 25)</i></p>	<p>(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</p>	<p>(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</p>	<p>(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</p>	<p>(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content</p>	<p>Voluntary initiative has been proven insufficient when it comes to handling products on online marketplaces. The important factor is the</p>

	<p>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 <i>carried out in good faith and in a diligent manner</i>. 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 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.</p>	<p>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, <i>solely because they are carrying out voluntary own-initiative investigations</i>, provided those activities are <i>accompanied with additional safeguards</i>. 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 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 <i>as long as those measures are in line with Union law</i>. 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.</p>	<p>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 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.</p>	<p><b>and products 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.</b> 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 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</p>	<p>proactively work when it comes to products since the danger for the consumers occur as soon as the product is available.</p> <p>Delete the highlighted parts.</p>
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				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.	
<i>Amendment 12 (Recital 34)</i>	(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.	(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 <b>consumer protection</b> , 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 <b>and liability</b> of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.	(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 <del>vulnerable</del> users <b>at particular risk of being subject to hate speech, sexual harassments or other discriminatory actions</b> , 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.	Support the wording of IMCO rapporteur Schaldemose amendment 12 (recital 34)	It is important to underline that consumer protection is one of the aims of the regulation as well as ensuring meaningful accountability and liability.

<p><i>Amendment 13 (Recital 36a, new)</i></p>		<p><i>(36a) Providers of intermediary services should also be required to establish a single point of contact for recipients of services, which allows rapid, direct and efficient communication in particular by easily accessible means such as telephone number, email addresses, electronic contact forms, chatbots or instant messaging. To facilitate rapid, direct and efficient communication, recipients of services should not be faced with lengthy phone menus or hidden contact information. In particular, phone menus should always include the option to speak to a human. Providers of intermediary services should allow recipients of services to choose means of direct and efficient communication which do not involve automated tools.</i></p>		<p><i>(36a) Providers of intermediary services should also be required to establish a single point of contact for recipients of services, which allows rapid, direct and efficient communication in particular by easily accessible means such as telephone number, email addresses, electronic contact forms, chatbots or instant messaging. To facilitate rapid, direct and efficient communication, recipients of services should not be faced with lengthy phone menus or hidden contact information. In particular, phone menus should always include the option to speak to a human.</i></p>	<p>It shall be possible to get in contact with the service provider and not just via an automated tool.</p> <p>However, automated tools can be useful at initial contact and should not be ruled out.</p>
<p><i>Amendment 14 (Recital 38)</i></p>	<p>(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of</p>	<p>(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of</p>	<p>(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of</p>	<p>We cannot support the amendment 14 from the IMCO rapporteur.</p>	<p>We are sceptical to the proposal of Schaldemose ; to introduce a new information obligation which includes a summary. A summary of consumer rights is not accurate since it is risk to</p>

	<p>recipients of the service and the avoidance of unfair or arbitrary outcomes.</p>	<p>recipients of the service and the avoidance of unfair or arbitrary outcomes. <i>In particular, it is important to ensure that terms and conditions are fair, non- discriminatory and transparent, and are drafted in a clear and unambiguous language in line with applicable Union law. The terms and conditions should include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making, human review, the legal consequences to be faced by the users for knowingly storing or uploading illegal content as well as on the right to terminate the use of the service. Providers of intermediary services should also provide recipients of services with a concise and easily readable summary of the main elements of the terms and conditions, including the remedies available, using, where possible graphical elements, such as icons.</i></p>	<p>recipients of the service and the avoidance of unfair or arbitrary outcomes.</p>		<p>give consumers a too narrow view of their rights and risk that the consumer to an even greater extent, do not read the agreements.</p> <p>Also it is unclear who decides which point are the most important and should be included in the summary. If such an obligation is adopted, it should be described in the DSA in order to avoid legal uncertainty.</p>
<p>Amendment 16 (Recital 39a, new)</p>		<p><i>(39a) To ensure consumer protection, online safety and promote fairness among market participants, intermediary service providers should be obliged to clearly indicate the identity of the business user providing content, goods and services.</i></p>		<p>Support the wording of IMCO rapporteur Schaldemoses amendment 16 (recital 39 a, new)</p>	<p>We support this suggestion since it is in line with consumer law and main principles in contractual law.</p> <p>The DCC study proves that today trader’s</p>

					identity is often hidden or hard to find.
<i>Amendment 17 (Recital 39b, new)</i>		<i>(39b) To ensure an efficient and adequate application of the obligation on traceability of business users, without imposing any disproportionate burdens, the intermediary service providers covered should carry out due diligence checks prior to the use of their service to verify the reliability of the information provided by the business user concerned, in particular by using freely accessible official online databases or online interfaces, such as national trade registers or by requesting the business user concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation.</i>		<a href="#">Support the wording of IMCO rapporteur Schaldemose amendment 17 (recital 39 b, new)</a>	<p>We support a more detailed description of what the due diligence obligations and KYBC means.</p> <p>Further we believe there is a need for specifying that different tasks must be performed by the online marketplace depending on whether the seller is from EU or a third country. In case of sellers from EU there is already an importer who has done the task for products produced in a third country.</p>
<i>Amendment 18 (Recital 39c, new)</i>		<i>(39c) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as</i>		<a href="#">Support the wording of IMCO rapporteur Schaldemose amendment 17 (recital 39 b, new)</a>	We support that online marketplaces and platforms know the

		<p><i>competing traders and holders of intellectual property rights, and to deter business users carrying activities in violation of the applicable rules, providers of online intermediary services should ensure that their business users are identifiable. The business user should therefore be required to provide certain essential information to the online intermediary service. Those providers of intermediary services should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be accessed by public authorities and private parties with a legitimate interest, in accordance with the applicable law, including the law on the protection of personal data, and also in accordance with any order to provide information referred to in this Regulation.</i></p>			<p>identity of their business users.</p>
<p>Amendment 19 (Recital 39d, new)</p>		<p><i>(39d) Online advertising plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertising can contribute to significant risks, ranging from advertisements that are themselves consisting of illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the</i></p>			

*discriminatory display of advertisements with an impact on the equal treatment and opportunities of citizens. In addition to the requirements laid down in Directive 2000/31/EC of the European Parliament and of the Council<sup>1a</sup>, providers of intermediary service should be required to ensure that the recipients of the service have certain individualised information necessary for them to understand on whose behalf the advertisement is displayed and on the natural or legal person who finances the advertisement. Providers of intermediary services should clearly indicate that certain information constitutes an online advertisement, including through prominent and harmonised marking. Providers of intermediary services should in particular ensure that content, published by digital influencers for which they have received a remuneration is clearly identifiable by recipients of services as an advertisement and should make available to them any element of the contractual relationship that might be relevant to the content. In addition, recipients of the service should have information on the 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. Providers of intermediary services should also be obliged to inform the advertiser where the advertisement has been displayed as well as give access to non-governmental organisations, researchers and public authorities upon their request to information related to direct and indirect payments or any other remuneration received to display the corresponding advertisement on their interfaces. 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 of the European Parliament and of the Council, 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 of the European Parliament and of the Council in particular those regarding the storage of information in terminal equipment and the access to information stored therein.*

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		<i><sup>1a</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).</i>			
<i>Amendment 20 (Recital 39e, new)</i>		<i>(39e) In addition to transparency requirements, further obligations should be imposed on providers of intermediary services displaying advertising to better empower recipients their services. Providers of intermediary services should, by default, ensure that recipients of their services are not subject to targeted, micro-targeted and behavioural advertising unless the recipient of the service has expressed a freely given, specific, informed and unambiguous consent. To ensure such consent is given, the provider of intermediary services should provide the recipient of the service with meaningful information, including information such as the value of giving access to and about the use of their data and clearly indicate which type of advertising will be provided. When requesting the consent from recipients of the service considered as vulnerable consumers, the provider of intermediary service should implement the necessary measures ensuring that such consumers have</i>			



		<p><i>received enough and relevant information. Where the intermediary service provider has received a freely given, specific, informed and unambiguous consent and process data for advertising purposes, such processing should neither lead nor create a risk of leading to pervasive tracking of the recipient of the service. Finally, the intermediary service provider should design its interface in a way that easily allows the recipients of the service to access and modify the advertising parameters. In order to ensure that the interface infrastructure is clear and easy enough for the recipients of the service, the online intermediary service provider should assess the level of awareness of such functionality, monitor the use of this functionality, and, where necessary, take the necessary measures to improve the recipients' awareness of their possibility to change advertising parameters.</i></p>			
<p><i>Amendment 21 (Recital 40)</i></p>	<p>(40) Providers of hosting services play a 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</p>	<p>(40) Providers of hosting services play a 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 <i>easily accessible,</i></p>	<p>(40) Providers of hosting services play a 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</p>	<p>(40) Providers of hosting services play a 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</p>	<p>When it comes to products “notice and action mechanism” is a reactive mechanism, which is not sufficient. For product there is also a need for proactive engagement.</p>

	<p>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.</p>	<p><b><i>comprehensive and</i></b> 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 <b><i>in line with the applicable law</i></b> ('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. <b><i>In addition to the notice and action mechanism, when an online platform that allows consumers to conclude distance contracts with traders detects illegal content, it should prevent the content, already identified as illegal, from reappearing once removed.</i></b></p>	<p>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'). <b><u>Such mechanisms should be at least as easy to find and use as notification mechanisms for content that violates the terms and conditions of the hosting service provider.</u></b> 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.</p>	<p>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</p>	<p>Another important issue is that dangerous and illegal goods often reappear on the online marketplace. This obligation should therefore be complemented with a stay down principle.</p>
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				<p>services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation. <b>When it comes to product a notice and action mechanism is by itself insufficient and needs to be complemented with a stay down mechanism which hinders illegal products from reappearing on the online marketplace.</b></p>	
<p><i>Amendment 22 (Recital 41)</i></p>	<p>(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-</p>	<p>(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, <b>a high level of consumer protection</b>, the right to freedom of expression and information, the right to respect for private and family life, the right to</p>	<p>(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 <b>but are not limited to</b>, 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</p>	<p>Support the wording of IMCO rapporteur Schaldemoses amendment 22 (recital 41)</p>	<p>Consumer protection rules are crucial for the sale of goods on online marketplaces and should be included in the fundamental rights.</p>

	<p>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.</p>	<p>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.</p>	<p>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. <b><u>Providers of hosting services should act upon notices in a timely manner, in particular, by taking into account the type of illegal content being notified and the urgency of taking action. For instance, providers can be expected to act without delay when allegedly illegal content involving an imminent threat to life or safety of persons is being notified. The provider of hosting services should inform the individual or entity notifying the specific content without undue delay after taking a decision whether to act upon the notice.</u></b></p>		
<p><i>Amendment 23 (Recital 43)</i></p>	<p><i>(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission,<sup>41</sup> unless their reach and impact is such that they meet the criteria to qualify as very large online</i></p>	<p><i>deleted</i></p>	<p>(43) To avoid disproportionate burdens, the additional obligations imposed on <b>providers of</b> online platforms under this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission<sup>32</sup>, unless their reach and impact is such that they meet the criteria to qualify as</p>		

	<p><i>platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of those obligations.</i></p> <hr/> <p><sup>41</sup> 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).</p>		<p>very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of those obligations.</p> <hr/> <p><sup>32</sup> 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).</p>		
<p>Amendment 24 (Recital 44)</p>	<p>(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift <b>and fair</b> outcomes. In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies</p>	<p>(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift, <b>fair and non-discriminatory</b> outcomes <b>within seven days, where possible, starting on the date on which the online platform received the complaint.</b> In addition, provision should be made for the possibility of out-of-court dispute settlement of</p>	<p>(44) Recipients of the service <b>and individuals and entities that have submitted a notice</b> should be able to easily and effectively contest certain decisions of <b>providers of</b> online platforms that negatively affect them. Therefore, <b>providers of</b> online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes <b>and are subject to human review. Such systems should enable all users to lodge a complaint and should not set up formal</b></p>		

	<p>that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.</p>	<p>disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. <b><i>Dispute resolution proceedings should be concluded within a reasonable period of time, and in any event within 90 calendar days.</i></b> The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.</p>	<p><b><u>requirements such as referral to specific, relevant legal provisions or elaborate legal explanations.</u></b> In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by <del>certified</del> <b><u>authorised</u></b> bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. <b><u>The fees charged by the dispute settlement bodies should be reasonable and proportionate, and assessed on a case-by-case basis. Recipients of the service should be able to choose between the internal complaint mechanism, an out-of-court dispute settlement or judicial redress.</u></b> The possibilities to contest decisions of <b><u>providers of</u></b> online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.</p>		
<p><i>Amendment 25 (Recital 46)</i></p>	<p>(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,</p>	<p>(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,</p>	<p>(46) Action against illegal content can be taken more quickly and reliably where <b><u>providers of</u></b> 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,</p>		

	<p>without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in <i>a timely, diligent and</i> 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 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</p>	<p>without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in <i>an</i> 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 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</p>	<p>without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. <b><u>Such trusted flagger status should be awarded by the Digital Services Coordinator of establishment and should be recognised by all providers of online platforms within the scope of this Regulation.</u></b> 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, <del>that they represent collective interests</del> and that they work in a diligent and objective manner. Such entities can be public in 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 <b>private or</b> 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. <del>For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have</del></p>		
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	<p>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.<sup>43</sup></p> <hr/> <p><sup>43</sup> 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</p>	<p>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.<sup>43</sup></p> <hr/> <p><sup>43</sup> 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</p>	<p><del>demonstrated that they meet the applicable conditions.</del> The rules of this Regulation on trusted flaggers should not be understood to prevent <b>providers of</b> 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.<sup>34</sup></p> <hr/> <p><sup>34</sup> 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.</p>		
<p><i>Amendment 26 (recital 47)</i></p>	<p>(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under</p>	<p>(47) The misuse of services of online platforms by frequently providing illegal content or by frequently submitting unfounded notices or complaints under the mechanisms and systems, respectively, established under</p>	<p>(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under</p>	<p>(47) The misuse of services of online platforms by frequently providing illegal content or by frequently submitting unfounded notices or complaints under the</p>	<p>We support the rapporteur replacing “manifestly” with “frequently” as this the term “manifestly” is unclear. We believe that closing of accounts</p>



	<p>this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behavior. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be</p>	<p>this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour.</p> <p><b>Furthermore, when the platform decides to suspend a recipient of the service, the platform should make best efforts to ensure that the suspended recipient does not reappear on the service until the suspension has been lifted.</b> This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of illegal content related to serious crimes. <b>In cases where the platform decides to suspend accounts covering matters which are of public interest, such as the accounts of politicians, the platform must receive the approval of the relevant judicial authority before</b></p>	<p>this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, providers of online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by providers of online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes, such as child sexual abuse material. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always</p>	<p>mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour.</p> <p><b>Furthermore, when the platform decides to suspend a recipient of the service, the platform should make best efforts to ensure that the suspended recipient does not reappear on the service until the suspension has</b></p>	<p>should be based on objective terms.</p>
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subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

**applying its decision.** For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.

be open to the decisions taken in this regard by providers of online platforms and they should be subject to oversight by the competent Digital Services Coordinator. Providers of online platforms should send a prior warning before deciding on the suspension, which should include the reasons for the possible suspension and the means of redress against the decision of the providers of the online platform. The rules of this Regulation on misuse should not prevent providers of online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law

**been lifted.** This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of illegal content related to serious crimes. ***In cases where the platform decides to suspend accounts covering matters which are of public interest, such as the accounts of politicians, this should be decided upon objective reasons and the platform must receive the approval of the relevant judicial authority before applying its decision.*** For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in

				<p>the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided</p>	
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				for in Union or national law.	
<b>Amendment 27 (recital 49)</b>	(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online platforms allowing consumers to conclude distance contracts with traders should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the online platform, including for purposes of promoting messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online platforms should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation	(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers <b>and in addition to the obligation of traceability of business users, online platforms that allow consumers to conclude distance contracts with traders should obtain additional information on the trader and the products and services they intend to offer on the platform. The online platform should therefore be required to obtain information on the name, telephone number and electronic mail of the economic operator and the type of product or service the trader intends to offer on the online platform, including the relevant information in line with the compliance requirements for products and services set out in Union law, such as where applicable, the CE marking and the warnings, information and labels. Prior to offering its services to the trader, the online platform operator should be required to verify that the information provided by the trader is reliable, complete and up-to-date. In addition, the platform should be obliged to take adequate ex ante measures, such as random checks, to identify and prevent illegal content from appearing on their interface. Online platforms</b>	(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online platforms allowing consumers to conclude distance contracts with tradersmarketplaces should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the provider of online platformmarketplace, including for purposes of promoting messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online platforms marketplaces should store all information in a secure manner for the duration of their contractual relationship with the trader and 6 months thereafter. This is necessarya reasonable period of time that does not exceed what is necessary, so that it the information can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest,	49) In order to contribute to a safe, trustworthy and transparent online environment for consumers <b>and in addition to the obligation of traceability of business users, online platforms that allow consumers to conclude distance contracts with traders should obtain additional information on the trader and the products and services they intend to offer on the platform. The online platform should therefore be required to obtain information on the name, telephone number and electronic mail of the economic operator and the type of product or service the trader intends to offer on the online platform, including the relevant information in line with the compliance requirements for products and services set out in Union law, such</b>	We support the IMCO rapporteur's amendment 111. However, we believe there is a need for specifying that different tasks must be performed by the online marketplace depending on whether the seller is from EU or a third country. In case of sellers from EU there is already an importer who has done the task for products produced in a third country.

		<p><i>should also ensure that this traceability obligation is not avoided by traders through self-identification as non-professional sellers. The fulfilment of the obligations on traceability of the traders, products and services should facilitate the compliance by platforms allowing consumers to conclude distance contracts with the obligation to inform consumers of the identity of their contracting party established under Directive 2011/83/EU of the European Parliament and of the Council, as well as the obligations established under Regulation (EU) No 1215/2012 as regards the Member State in which consumers can pursue their consumer rights .</i></p>	<p>including through the orders to provide information referred to in this Regulation. Without prejudice to the definition provided for in this Regulation, any trader, irrespective of whether it is a natural or legal person, identified on the basis of Article 6a, paragraph(1)(b) of Directive 2011/83/EU and Article 7 paragraph (4)(f) of Directive 2005/29/EC should be traceable when offering a product or service through an online platform. Similarly, the traceability of holders of domain names for the purpose of contributing to the security, stability and resilience of domain name systems, which in turn contributes to a high common level of cybersecurity within the Union, is ensured by Directive .../... [proposed Directive on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148], which introduces the obligation for top-level domain registries and the entities providing domain name registration services for the top-level domain, so-called registrars, to collect, maintain in a database and provide lawful access to accurate and complete domain name registration data. Directive 2000/31/EC obliges all information society services providers to render easily, directly and permanently accessible to the recipients of the service and competent</p>	<p><i>as where applicable, the CE marking and the warnings, information and labels. In this regard there must be higher requirement to the tasks, when products are offered from traders in third countries to European consumers. Prior to offering its services to the trader, the online platform operator should be required to verify that the information provided by the trader is reliable, complete and up to date. In addition, the platform should be obliged to take adequate ex ante measures, such as random checks, to identify and prevent illegal content from appearing on their interface. Online platforms should also ensure that this traceability obligation is not avoided by traders through self-identification as non-professional sellers. The fulfilment of the obligations on</i></p>	
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			authorities certain information allowing the identification of all providers	<i>traceability of the traders, products and services should facilitate the compliance by platforms allowing consumers to conclude distance contracts with the obligation to inform consumers of the identity of their contracting party established under Directive 2011/83/EU of the European Parliament and of the Council, as well as the obligations established under Regulation (EU) No 1215/2012 as regards the Member State in which consumers can pursue their consumer rights .</i>	
Amendment 28 (Recital 50)	<i>(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup> , or by requesting</i>	<i>deleted</i>	(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the <b>providers of the</b> online <del>platforms covered</del> <b>marketplaces</b> should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System <sup>36</sup> , or by requesting	<i>(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered should make reasonable efforts to verify the reliability of the information provided by the traders concerned, in particular by using</i>	Delete the highlighted part.

*the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online platforms covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online platforms, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such online platforms should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup>*

the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified ~~bank~~ **payment accounts**<sup>2</sup> statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the **providers of** online ~~platforms covered~~ **marketplaces** should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such **providers** ~~online platforms~~, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. **Providers of Such** ~~online platforms~~ **marketplaces** should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>37</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>38</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>39</sup>. **Providers of online**

freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System<sup>45</sup>, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. ~~However, the online platforms covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online platforms, which have made the reasonable efforts required by this Regulation, be understood as~~

<p><sup>45</sup> <a href="https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en">https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en</a></p> <p><sup>46</sup> <i>Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council</i></p> <p><sup>47</sup> <i>Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives</i></p>			<p><b><u>marketplaces should store the information received by traders for six months. This obligation leaves unaffected potential obligations to preserve certain content for longer periods of time, on the basis of other Union law or national laws, in compliance with Union law.</u></b></p> <hr/> <p><sup>36</sup> <a href="https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en">https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en</a></p> <p><sup>37</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council.</p> <p><sup>38</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament</p>	<p><b>guaranteeing the reliability of the information towards consumer or other interested parties.</b> Such online platforms should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council<sup>46</sup>, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council<sup>47</sup> and Article 3 of Directive 98/6/EC of the European Parliament and of the Council<sup>48</sup></p> <hr/> <p><sup>46</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament</p>	
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			<p>and of the Council ('Unfair Commercial Practices Directive').  <sup>39</sup> Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers.</p>	<p>and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council</p> <p><sup>47</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives</p>	
<p>Amendment 30          (Recital 52a, new)</p>		<p><i>(52a) A core part of an online platform's business is the manner in which information is suggested, prioritised and ranked 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, prioritising and ranking 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</i></p>		<p><b>Delete</b></p>	<p><b>Delete.</b></p> <p><b>There is a clear risk of misuse by the online marketplace when developing parameters like these.</b></p> <p><b>If systems like this must be introduced there should be standardized systems for ranking and transparency.</b></p>

*certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, online platforms should let the recipients decide whether they want to be subject to recommender systems based on profiling and ensure that the option which is not based on profiling is activated by default. In addition they should ensure that recipients are appropriately informed, and can decide which information is to be presented to them. Online platforms should clearly present the main parameters for such recommender systems in an easily comprehensible and user-friendly manner to ensure that the recipients understand how information is prioritised for them and how to delete their own profile or profiles used to curate the content presented for the recipients. They should also ensure that the recipients enjoy alternative options for the main parameters. In addition, they should implement appropriate technical and organisational measures for ensuring that recommender systems are designed in a consumer friendly manner and do not influence end users' behaviour through dark patterns. Finally, a must-carry obligation should ensure that recommender systems display information from trustworthy sources,*

		<i>such as public authorities or scientific sources as first result following search queries in areas of public interest.</i>			
<i>Amendment 31 (Recital 52b, new)</i>		<i>(52b) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement adopted under the United Nations Framework Convention on Climate Change ('Paris Agreement')<sup>1a</sup> and the United Nations Sustainable Development Goals, this Regulation should promote sustainability of e-commerce and sustainable consumption by ensuring that recipients of services are provided with clear and easily understandable information on the environmental impact of the products or services they buy online, allowing them to make an informed choice. In particular, online platforms allowing consumers to conclude distance contract with traders should make their best effort to provide clear and easily understandable information to recipients of services, related to sustainable consumption, such as, where relevant, information on the use of sustainable and efficient delivery methods and on the use of packaging from sustainable materials. While it is essential to preserve the right of withdrawal, allowing consumers to return goods purchased online, it is also important to inform</i>		<b>Delete</b>	<b>Delete</b>  Tackling climate change and sustainability is very important but also a complex issue which should be tackled in the sectorial legislation. The DSA is not the right place to place obligations regarding climate and sustainability information. These rules should be harmonized within the whole supply chain. There is a new regulation coming up on Due Diligence, and also new consumer rights are expecting to be introduced, e.g. green marketing. The amendment is not specific enough for interpretations and implementations for businesses and will consequently lead to more complications.  Instead online platforms and marketplaces should be obliged to follow the

		<p><i>recipients of services about the environmental cost of returning unwanted items, involving double transportation or requiring disposal rather than resale.</i></p> <hr/> <p><sup>1a</sup> <i>OJ L 282, 19.10.2016. p. 4.</i></p>			<p>same EU environmental rules as other businesses. Consumers do not wish for more information. The digital environment is already an overload of information. To introduce specific obligations for the online marketplace will create confusion for the consumer. And it also risks contractual problems between the sellers and the online marketplace in the case the information towards the consumers turn out to be wrong or misleading-who is responsible then?</p>
<p><i>Amendment 33 (Recital 57)</i></p>	<p>(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</p>	<p>(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</p>	<p>(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</p>	<p>We support the IMCO rapporteur’s amendment 33 (recital 57).</p>	<p>Consumer protection should be added to the fundamental rights as they are crucial for the sale of products and services.</p>

	<p>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 <b>and</b> 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 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</p>	<p>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, information, <b>consumer protection</b>, 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 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</p>	<p>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 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</p>		
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	information that is illegal content or incompatible with an online platform’s terms and conditions.	rapid and widespread dissemination of information that is illegal content or incompatible with an online platform’s terms and conditions.	information that is illegal content or incompatible with an online platform’s terms and conditions.		
Amendment 34 (Recital 62)	<i>(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</i>	<i>deleted</i>	(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, <b><u>in addition to obligations on assessment and mitigation of risks, providers of</u></b> 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		

	<p><i>recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.</i></p>		<p>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.</p>		
<p><i>Amendment 35 (Recital 64)</i></p>	<p>(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</p>	<p>(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 <b>and algorithms</b>. 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</p>	<p>(64) In order to appropriately supervise <b>monitor and assess</b> 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, <b>including, where appropriate training data and algorithms</b>, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. <b>Such data access requests do not include requests to produce specific information about individual recipients of the service for the purpose of determining compliance of the recipients with other applicable Union or national law.</b> Investigations by researchers on the</p>		<p>We cannot support the rapporteur’s amendment and we are concerned about the approach regarding algorithms.</p>

	<p>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.</p>	<p>therefore provides a framework for compelling access to data from very large online platforms to vetted researchers <i>or civil society organisations representing the public interest</i>. 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.</p>	<p>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 <del>vetted</del> researchers <u>vetted by the Digital Services Coordinator of establishment of a very large online platform provider, or the Commission</u>. All <del>requirements</del> <u>request</u> 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.</p>		
<p>Amendment 36 (Recital 65a, new)</p>		<p><i>(65a) Automated decision-making constitutes a fundamental element for online platforms to deliver their services and can potentially have significant consequences for individuals, or any recipients of the service. Due to their importance for Union’s economy, the potential risks associated with automated decision-making used by very large online platforms’ services can not only affect a vast amount of users but also</i></p>		<p><b>Delete</b></p>	<p><b>Delete</b></p> <p><b>This amendment does not present the positive aspects of AI. It is highly important that AI as such is not pictured as something dangerous for</b></p>



		<p><i>threaten our society as a whole. It is therefore of utmost importance to mitigate those risks and ensure that the design of automated decision-making does not create any risk for users or our society. Very large online platforms should therefore provide the Commission with the necessary information in order to assess, against a number of criteria listed in this Regulation, the algorithms used for their automated decision-making. During its assessment, the Commission may decide to seek advice from third parties including relevant public authorities, researchers and non-governmental organisations. Where the Commission finds out that the algorithm has been designed in such a way that it does not present enough security for its use, it should be empowered to take the appropriate measures laid down in this Regulation to ensure that the algorithm complies with the requirements established by the applicable laws.</i></p>			<p>society and consumers. Most techniques can create risk when they are used in an unethical way. It is therefore important that focus lays with what the AI-service in practice is actually used for.</p>
<p>Amendment 37 (Recital 66)</p>	<p>(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the</p>	<p>(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the</p>	<p>(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as allowing the</p>		

	<p>submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.</p>	<p>submission of notices, including through application programming interfaces, <b>the use of icons, and other graphical elements for contract terms and conditions</b> or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.</p>	<p>submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.</p>		
<p><i>Amendment 40 (Recital 96)</i></p>	<p>(96) Where the infringement of the provision that solely applies to very large online platforms is not effectively addressed by that platform pursuant to the action plan, only the Commission <b>may</b>, on its own initiative or upon advice of the Board, <b>decide to investigate</b> the infringement concerned and the measures that the platform has subsequently taken, to the exclusion of the Digital Services Coordinator of establishment. After having conducted the necessary investigations, the Commission should be able to issue decisions finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. It should also <b>have such a possibility to</b> intervene in cross-border situations where the Digital Services Coordinator of establishment did not take any measures despite the Commission’s request, or in situations</p>	<p>(96) Where the infringement of the provision that solely applies to very large online platforms is not effectively addressed by that platform pursuant to the action plan, only the Commission <b>should</b>, on its own initiative or upon advice of the Board, <b>initiate investigation on</b> the infringement concerned and the measures that the platform has subsequently taken, to the exclusion of the Digital Services Coordinator of establishment. After having conducted the necessary investigations, the Commission should be able to issue decisions finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. It should also intervene in cross-border situations where the Digital Services Coordinator of establishment did not take any measures despite the Commission’s request, or in situations where the</p>	<p>(96) Where the infringement of the provision that solely applies to very large online platforms is not effectively addressed by that platform pursuant to the action plan, only the Commission may, on its own initiative or upon advice of the Board, decide to further investigate the infringement concerned and the measures that the platform has subsequently taken, to the exclusion of the Digital Services Coordinator of establishment. After having conducted the necessary investigations, the Commission should be able to issue decisions finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. It should also have such a possibility to intervene in cross-border situations where the Digital Services Coordinator of establishment did not take any measures despite the Commission’s request, or in situations</p>	<p>We support the IMCO rapporteurs amendment 40 (recital 96).</p>	<p>The commission should be obliged to act on infringements.</p>

	where the Digital Services Coordinator of establishment itself requested for the Commission to intervene, in respect of an infringement of any other provision of this Regulation committed by a very large online platform.	Digital Services Coordinator of establishment itself requested for the Commission to intervene, in respect of an infringement of any other provision of this Regulation committed by a very large online platform.	where the Digital Services Coordinator of establishment itself requested for the Commission to intervene, in respect of an infringement of any other provision of this Regulation committed by a very large online platform.		
<i>Amendment 41 (Recital 97)</i>	<i>(97) The Commission should remain free to decide whether or not it wishes to intervene in any of the situations where it is empowered to do so under this Regulation.</i> Once the Commission initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory and enforcement powers in respect of the relevant conduct of the very large online platform concerned, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of <i>ne bis in idem</i> . However, in the interest of effectiveness, those Digital Services Coordinators should not be precluded from exercising their powers either to assist the Commission, at its request in the performance of its supervisory tasks, or in respect of other conduct, including conduct by the same very large online platform that is suspected to constitute a new infringement. Those Digital Services Coordinators, as well as the Board and other Digital Services Coordinators where relevant, should provide the Commission with all necessary	(97) Once the Commission initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory and enforcement powers in respect of the relevant conduct of the very large online platform concerned, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of <i>ne bis in idem</i> . However, in the interest of effectiveness, those Digital Services Coordinators should not be precluded from exercising their powers either to assist the Commission, at its request in the performance of its supervisory tasks, or in respect of other conduct, including conduct by the same very large online platform that is suspected to constitute a new infringement. Those Digital Services Coordinators, as well as the Board and other Digital Services Coordinators where relevant, should provide the Commission with all necessary information and assistance to allow it to perform its tasks effectively, whilst conversely the Commission should keep them informed on the exercise of	(97) The Commission should remain free to decide whether or not it wishes to intervene in any of the situations where it is empowered to do so under this Regulation. Once the Commission initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory and enforcement powers in respect of the relevant conduct of the very large online platform concerned, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of <i>ne bis in idem</i> . However, in the interest of effectiveness, those Digital Services Coordinators should not be precluded from exercising their powers either to assist the Commission, at its request in the performance of its supervisory tasks, or in respect of other conduct, including conduct by the same very large online platform that is suspected to constitute a new infringement. Those Digital Services Coordinators, as well as the Board and other Digital Services Coordinators where relevant, should provide the Commission with all necessary	(97) The Commission <b>should act and intervene</b> in any of the situations where it is empowered to do so under this Regulation. Once the Commission initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory and enforcement powers in respect of the relevant conduct of the very large online platform concerned, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of <i>ne bis in idem</i> . However, in the interest of effectiveness, those Digital Services Coordinators should not be precluded from exercising their powers	The Commission should be obliged to act.

	<p>information and assistance to allow it to perform its tasks effectively, whilst conversely the Commission should keep them informed on the exercise of its powers as appropriate. In that regard, the Commission should, where appropriate, take account of any relevant assessments carried out by the Board or by the Digital Services Coordinators concerned and of any relevant evidence and information gathered by them, without prejudice to the Commission's powers and responsibility to carry out additional investigations as necessary.</p>	<p>its powers as appropriate. In that regard, the Commission should, where appropriate, take account of any relevant assessments carried out by the Board or by the Digital Services Coordinators concerned and of any relevant evidence and information gathered by them, without prejudice to the Commission's powers and responsibility to carry out additional investigations as necessary.</p>	<p>information and assistance to allow it to perform its tasks effectively, whilst conversely the Commission should keep them informed on the exercise of its powers as appropriate. In that regard, the Commission should, where appropriate, take account of any relevant assessments carried out by the Board or by the Digital Services Coordinators concerned and of any relevant evidence and information gathered by them, without prejudice to the Commission's powers and responsibility to carry out additional investigations as necessary.</p>	<p>either to assist the Commission, at its request in the performance of its supervisory tasks, or in respect of other conduct, including conduct by the same very large online platform that is suspected to constitute a new infringement. Those Digital Services Coordinators, as well as the Board and other Digital Services Coordinators where relevant, should provide the Commission with all necessary information and assistance to allow it to perform its tasks effectively, whilst conversely the Commission should keep them informed on the exercise of its powers as appropriate. In that regard, the Commission should, where appropriate, take account of any relevant assessments carried out by the Board or by the Digital Services Coordinators concerned and of any relevant</p>	
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				evidence and information gathered by them, without prejudice to the Commission’s powers and responsibility to carry out additional investigations as necessary.	
<i>Amendment 44 (Article 1, paragraph 2 – point b)</i>	(b) set out <b>uniform</b> rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.	(b) set out <b>harmonised</b> rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter, <b>including a high level of consumer protection</b> , are effectively protected.	b) setting out uniform harmonised rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.	We support the IMCO rapporteurs’ amendments.	Rules should be harmonised in order to provide a level playing field. Consumer protection rules should be added to the fundamental rights.
<i>Amendment 49 (Article 2, paragraph 1 – point a)</i>	(a) ‘information society services’ means services <b>within the meaning of</b> Article 1(1)(b) of Directive (EU) 2015/1535;	(a) ‘information society services’ means services <b>as defined in</b> Article 1(1)(b) of Directive (EU) 2015/1535;	(a) ‘information society services’ means services within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535;		
<i>Amendment 51 (Article 2 – paragraph 1 – point d – indent 1)</i>	- <b>a significant number of users in one or more Member States; or</b>	<b>Deleted</b>	- a significant number of users in one or more Member States <b>in relation to their population;</b> or	Support the IMCO rapporteur’s amendment.	“Significant numbers of users” is unclear.
<i>Amendment 53 (Article 2 – paragraph 1 – point d a, new)</i>		<b>(da) ‘substantial connection’ means the connection of a provider with one or more Member States resulting either from its establishment in the Union or from the fact that it directs its activities towards one or more Member States;</b>	<b>(da) ‘such a substantial connection’ means a connection of an provider of intermediary services with the Union resulting either from its</b> <del>is deemed to exist where the provider has an establishment in the Union</del> <b>or from</b> <del>in the absence of such an establishment, the assessment of a substantial</del>	Support the IMCO rapporteur’s amendment 53	The important thing is whether the service provider directs its activities towards one or more EU member states.

			<p><del>connection is based on</del> specific factual criteria, such as: – a significant number of users in one or more Member States <b>in relation to their population</b>; or – the targeting of activities towards one or more Member States.</p>		
<p><i>Amendment 57 (Article 2 – paragraph 1 – point n)</i></p>	<p>(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against remuneration specifically for promoting that information;</p>	<p>(n) ‘advertisement’ means information designed to promote <b>directly and indirectly</b> the message, of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against remuneration specifically for promoting that information;</p>	<p>(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and <del>displayed</del> <b>served</b> by an online platform on its online interface against remuneration specifically for promoting that information;</p>		<p>To regulate influencers in the DSA is the wrong way forward. It should be in the UCPD.</p>
<p><i>Amendment 59 (Article 2 – paragraph 1 – point p)</i></p>	<p>(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients’ ability to provide that information, such as the termination or suspension of a recipient’s account;</p>	<p>(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at <b>preventing</b>, detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients’ ability to provide that information, such as the termination or suspension of a recipient’s account;</p>	<p>(p) ‘content moderation’ means the activities, <b>automated or not</b>, undertaken by providers of intermediary services aimed, <b>in particular</b> at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility, and accessibility of that illegal content or that information, such as demotion, <b>demonetisation</b>, disabling of access to, or removal thereof, or the recipients’ ability to provide that information, such as the termination or suspension of a recipient’s account;</p>	<p>We support the amendment 59 of the IMCO rapporteur.</p>	<p>Content moderation aimed at preventing illegal content and information should be added. It could be illegal products or misleading marketing.</p>

<p><i>Amendment 60</i> (Article 2 – paragraph 1 – point q)</p>	<p>(q) ‘terms and conditions’ means all terms and conditions or specifications, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.</p>	<p>(q) ‘terms and conditions’ means all terms and conditions, <b>communication guidelines</b> or specifications, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.</p>	<p>(q) ‘terms and conditions’ means all terms and conditions or <del>specifications</del> <b>clauses</b>, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.</p>		
<p><i>Amendment 61</i> (Article 2 – paragraph 1 – point q a, new)</p>		<p><b><i>(qa) ‘law enforcement authorities’ means the competent authorities designated by the Member States in accordance with their national law to carry out law enforcement tasks for the purposes of the prevention, investigation, detection or prosecution of criminal offences in connection to illegal content online;</i></b></p>		<p>We support the IMCO rapporteur’s amendment 61.</p>	<p>The enforcement of the DSA should where possible build on the existing law enforcement authorities.</p>
<p><i>New amendment</i></p>				<p>r) “Online marketplace” means an electronic interface that facilitates the sale of goods between a buyer and a seller</p>	<p>It would create stronger legal certainty and a predictability if there is a definition of “online marketplace”.</p>
<p><b><i>Amendment 71</i></b> (Article 5 – paragraph 1 a, new)</p>		<p><b><i>Ia. Without prejudice to specific deadlines, set out in Union law or within administrative or legal orders, providers of hosting services shall, upon obtaining actual knowledge or awareness, remove or disable access to illegal content as soon as possible and in any event:</i></b></p> <p><b><i>(a) within 24 hours where the illegal content can seriously harm public</i></b></p>		<p>We support the IMCO rapporteur’s amendment 71</p>	<p>There should be procedures and deadlines for notice and take down in order to ensure consumers.</p> <p>However, it should not be legal to sell illegal and dangerous goods.</p>

		<p><i>policy, public security or public health or seriously harm consumers' health or safety;</i>  <i>(b) within seven days in all other cases where the illegal content does not seriously harm public policy, public security, public health or consumers' health or safety;</i></p> <p><i>Where the provider of hosting services cannot comply with the obligation in paragraph 1a on grounds of force majeure or for objectively justifiable technical or operational reasons, it shall, without undue delay, inform the competent authority having issued an order pursuant to Article 8 or the recipient of the service having submitted a notice pursuant to Article 14, of those grounds.</i></p>			
<p><i>Amendment 72 (Article 5 – paragraph 3)</i></p>	<p><i>3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the</i></p>	<p><i>deleted</i></p>		<p>We support the IMCO rapporteur's amendment 72.</p>	<p><i>Article 5 (3) is moved to article 5 a.</i></p>



	<i>online platform itself or by a recipient of the service who is acting under its authority or control.</i>				
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<p>Amendment 73 (Article 5a, new)</p>		<p style="text-align: center;"><b>Article 5a</b> <b>Liability of online platform allowing consumers to conclude distance contracts with traders</b></p> <p><b>1. In addition to Article 5(1), an online platform allowing consumers to conclude distance contracts with traders shall not benefit from the liability exemption provided for in Article 5 if it does not comply with the obligations referred to in Articles 11, 13b, 13c, 14, 22 or 24a.</b></p> <p><b>Such liability exemption shall also not benefit the online platform if it does not comply with specific information requirements for contracts concluded on online marketplaces, in line with Article 6a(1) of the Directive 2011/83/EU of the European Parliament and of the Council.</b></p> <p><b>2. The liability exemption in Article 5(1) and in paragraph 1 of this Article shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead a consumer to believe that the information, or the product or service that is the object of the</b></p>		<p>We support the IMCO rapporteur's amendment 73.</p>	<p>This amendment is the most important proposal in the DSA. It ensures that online marketplaces are not exempted from liability when selling illegal products and services. It ensures consumer safety as well as fair competition.</p> <p>It builds upon EJC rulings and we believe it is sufficient and well balanced.</p>
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*transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its control, authority or decisive influence.*

*3. For the assessment of whether the online platform has that control or authority or decisive influence over the trader, relevant criteria shall include:*

- a) the trader-consumer contract is concluded exclusively through facilities provided on the platform;*
- b) the online platform operator withholds the identity of the trader or contact details until after the conclusion of the trader-consumer contract;*
- c) the online platform operator exclusively uses payment systems which enable the platform operator to withhold payments made by the consumer to the trader;*
- d) the terms of the trader-consumer contract are essentially determined by the online platform operator;*
- e) the price to be paid by the consumer is set by the online platform operator;*
- f) the online platform is marketing the product or service in its own name rather than using the name of the trader who will supply it;*

*4. The liability exemption in Article 5(1) of this Regulation shall not apply*

		<p><i>in case an online platform allows consumers to conclude distance contracts with traders from third countries when:</i></p> <p><i>a) there is no economic operator inside the Union liable for the product safety or when the economic operator is available but does not respond to claims; and</i></p> <p><i>b) the product does not comply with the relevant product safety and product compliance Union or national law;</i></p> <p><i>5. Consumers concluding distance contracts with traders shall be entitled to seek redress from the online platform for infringement of the obligations laid down in this Regulation and in accordance with relevant Union and national law.</i></p> <p><i>6. The online platform shall be entitled to seek redress from the trader who has used its services in case of a failure by that trader to comply with his obligations under this Regulation regarding the online platform or regarding the consumers.</i></p>			
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<p><i>Amendment 74 (Article 6 – paragraph 1)</i></p>	<p>1. Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 <b>and 5</b> solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.</p>	<p>1. Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4, <b>5 and 5a</b> solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation, <b><i>without prejudice to freedom of expression.</i></b></p>	<p>1. Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.</p>	<p>1. Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4, <b>5 and 5a</b> solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation, <b><i>without prejudice to freedom of expression.</i></b></p> <p><b>The voluntary own-initiatives have to be complemented with additional proportionate safeguard measures, when appropriate, to prevent illegal content.</b></p>	<p>Technical amendment including the new article 5 a.</p>
<p><i>NEW</i></p>	<p><i>Article 7 No general monitoring or active fact-finding obligations</i></p>			<p><i>Article 7 No general monitoring or active fact-finding obligations</i></p>	

	<p>No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers</p>			<p>1. No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers. 2. Service providers and online market places who fall under the definition of article 5 (a) should have a general obligation to monitor.</p>	
<p>Amendment 80 Article 10a, new)</p>		<p><b>Article 10a</b> <b>Points of contact for recipients of services</b></p> <p><b>1. Providers of intermediary services shall enable recipients of services to communicate with them by providing rapid, direct and efficient means of communication such as telephone number, email addresses, electronic contact forms, chatbots or instant messaging as well as the geographical address of the establishment of the provider of intermediary services.</b></p>		<p>We support the IMCO rapporteur’s amendment 80.</p>	<p>There should be contact points to the intermediary services.</p>

		<p><i>2. The means of communication referred to in paragraph 1 shall be quickly and easily accessible to recipients of services in a clear user-friendly, easily identifiable and where possible, uniform manner. Providers of intermediary services shall enable recipients of services to easily choose equally accessible means of rapid, direct and efficient communication which do not involve automated tools.</i></p> <p><i>3. Providers of intermediary services shall allocate sufficient human and financial resources to ensure that the communication and responses referred to in paragraph 1 are performed in a quick and efficient manner.</i></p>			
<p><i>Amendment 81 Article 11 – paragraph 2)</i></p>	<p>2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States’ authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and <b>resource</b> to cooperate with the Member States’ authorities, the Commission and the Board and comply with those decisions.</p>	<p>2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States’ authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representatives with the necessary powers and <b>sufficient resources</b> to cooperate with the Member States’ authorities, the Commission and the Board and comply with those decisions and <b>with their obligations when the</b></p>	<p>2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States’ <b>competent</b> authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and resource to cooperate with the Member States’ authorities, the Commission and the Board and comply with those decisions.</p>	<p>Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States’ authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal</p>	

		<i>provider of intermediary services is liable for infringement of the obligations set out in this Regulation.</i>		representative with the necessary powers and <b>enough resource</b> to cooperate with the Member States' authorities, the Commission and the Board and comply with those decisions.	
<i>Amendment 82 Article 12 – paragraph 1)</i>	1. Providers of intermediary services shall <b>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</b> terms and conditions. <b>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</b> shall be <b>set out</b> in clear and unambiguous language and <b>shall be</b> publicly available in an easily accessible format.	1. Providers of intermediary services shall <b>use fair, non-discriminatory and transparent contract</b> terms and conditions <b>that</b> shall be <b>drafted</b> in clear and unambiguous language and <b>are</b> publicly available in an easily accessible format.	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, <b>plain, intelligible</b> and unambiguous language and shall be publicly available in an easily accessible format.	We support the IMCO rapporteur's amendment 82.	The amended text is clearer and have focus of what the aim is of the Terms & conditions.
<i>Amendment 83 (Article 12 – paragraph 1a, new)</i>		<b>1a. In their terms and conditions, 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. Providers of intermediary services shall also include information on the right to terminate the use of the service by the</b>		We cannot support the IMCO rapporteur's amendment.	Information overload.  Consumers will be overloaded with technical information of little use to them. It will make the terms and conditions even longer.



		<i>recipient of the service in a directly accessible format. They shall also include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review.</i>			
<i>Amendment 84 Article 12 – paragraph 1b, new)</i>		<i>1b. Providers of intermediary services shall notify the recipients of the service of any significant change to the contract terms and conditions that can affect their rights and provide an explanation thereof.</i>		We can support amendment 84.	If the intermediary changes the contract the recipients should be informed thereof.
<i>Amendment 86 Article 12 – paragraph 2a, new)</i>		<i>2a. Providers of intermediary services shall provide recipients of services with a concise and easily readable summary of the terms and conditions. That summary shall identify the main elements of the information requirements, including the possibility of easily opting-out from optional clauses and the remedies available.</i>		<b>Delete</b>  <b>We cannot support amendment 86</b>	<b>A summary of consumer rights is not accurate since it is risks giving consumers a too narrow view of their rights and risk that the consumer to an even greater extent, do not read the agreements.</b>  <b>Also, it is unclear who decides which points are the most important and should be included in the summary. This should be described in the DSA in order to avoid legal uncertainty...</b>

<i>Amendment 87 Article 12 – paragraph 2b, new)</i>		<i>2b. Where possible, providers of intermediary services shall use graphical elements such as icons or images to illustrate the main elements of the information requirements.</i>		<b>Delete</b>  <b>We cannot support amendment 87</b>	<b>Delete</b> Graphical icons and images are not standardised and should not be a requirement.
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<p>Amendment 90 Article 13b, new)</p>		<p style="text-align: center;"><b>Article 13b</b> <b>Traceability of business users</b></p> <p><b>1. A provider of intermediary services shall ensure that business users can only use its services if the provider of intermediary service has obtained the following information:</b></p> <p><b>(a) the name, address, telephone number and electronic mail address of the business user;</b></p> <p><b>(b) a copy of the identification document of the business user or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council<sup>1a</sup>;</b></p> <p><b>(c) the bank account details of the business user, where the business user is a natural person;</b></p> <p><b>(d) where the business user is registered in a trade register or similar public register, the trade register in which the business user is registered, and its registration number or equivalent means of identification in that register;</b></p> <p><b>2. The provider of intermediary services shall, upon receiving that information and until the end of the contractual relationship, make reasonable efforts to assess whether the information referred to in points (a) and (d) of paragraph 1 is reliable and up-to-date through the use of any</b></p>		<p>We support the IMCO rapporteur's amendment 90.</p>	<p><b>: We believe that it is proportionate that an obligation to display the identity of the business user alongside the good is introduced.</b></p> <p>We also believe that the criteria set up for traceability in the Commission proposal is insufficient and easy to circumvent.</p>
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*freely accessible official online database or online interface made available by a Member States or the Union or through requests to the business user to provide supporting documents from reliable sources.*

*3. Where the provider of intermediary services obtains indications that any item of information referred to in paragraph 1 obtained from the business users concerned is inaccurate or incomplete, that provider of intermediary services shall request the business user to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.*

*Where the business user fails to correct or complete that information, the provider of intermediary services shall suspend the provision of its service to the business user until the request is complied with.*

*4. The providers of intermediary services shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the business user concerned. They shall subsequently delete the information.*

*5. Without prejudice to paragraph 2, the providers of intermediary services shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any order issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.*

*6. The providers of intermediary services shall make the information referred to in points (a) and (d) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.*

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*<sup>1a</sup> Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).*

<p><i>Amendment 91 Article 13c, new)</i></p>		<p style="text-align: center;"><b>Article 13c</b> <b>Online advertising transparency</b></p> <p><b>1. Providers of intermediary services that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear, concise and unambiguous manner and in real time:</b></p> <p><b>(a) that the information displayed on the interface or parts thereof is an online advertisement, including through prominent and harmonised marking;</b></p> <p><b>(b) the natural or legal person on whose behalf the advertisement is displayed and the natural or legal person who finances the advertisement;</b></p> <p><b>(c) clear, meaningful and uniform information about the parameters used to determine the recipient to whom the advertisement is displayed; and</b></p> <p><b>(e) if the advertisement was displayed using an automated tool and the identity of the person responsible for that tool.</b></p> <p><b>2. The Commission shall adopt an implementing act establishing harmonised specifications for the marking referred to in paragraph 1(a) of this Article.</b></p>		<p>With the proposed changes online platforms shall be obliged to inform advertisers where their advertisement has been placed, which is very helpful from a brand safety perspective, since it will allow companies to steer clear of content and contexts in which they do not want to advertise</p>
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*3. Providers of intermediary services shall inform the natural or legal person on whose behalf the advertisement is displayed where the advertisement has been displayed. They shall also inform public authorities, upon their request.*

*4. Providers of intermediary services that display advertising on their online interfaces shall be able to give easy access to NGOs, researchers and public authorities, upon their request, to information related to direct and indirect payments or any other remuneration received to display the corresponding advertisement on their online interfaces.*

<p>Amendment 92 Article 13d, new)</p>		<p style="text-align: center;"><b>Article 13d</b> <b>Recipients' consent for advertising practices</b></p> <p><b>1. Providers of intermediary services shall, by default, not make the recipients of their services subject to targeted, micro-targeted and behavioural advertisement unless the recipient of the service has expressed a freely given, specific, informed and unambiguous consent. Providers of intermediary services shall ensure that recipients of services can easily make an informed choice when expressing their consent by providing them with meaningful information, including information about the value of giving access to and about the use of their data.</b></p> <p><b>2. When asking for the consent of recipients of their services considered as vulnerable consumers, providers of intermediary services shall implement all the necessary measures to ensure that such consumers have received enough and relevant information before they give their consent.</b></p> <p><b>3. When processing data for targeted, micro-targeted and behavioural advertising, online intermediaries shall comply with relevant Union law and shall not engage in activities that can lead to pervasive tracking, such as disproportionate combination of data</b></p>		<p style="text-align: center;"><b>Article 13d</b> <b>Recipients' consent for advertising practices</b></p> <p><b>1. Providers of intermediary services may not make the recipients of their services subject to targeted, micro-targeted and behavioural advertisement if the recipient of the service has expressed a freely given, specific, informed and unambiguous desire not to be subject to such advertisement. Providers of intermediary services shall ensure that recipients of services can easily make an informed choice when expressing their consent by providing them with</b></p>	<p>Research shows a strong correlation between the relevance of an advertisement and an individual's acceptance of being subjected to it. A mandatory opt-in will lead to less relevant advertising and thus higher levels of dissatisfaction with the advertising being shown. Relevant advertising provides citizens with valuable commercial information allowing them to choose freely between competing products and services based on insights into pricing and features. Less relevant information will be to the detriment of both competition and consumer satisfaction.</p>
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		<p><i>collected by platforms, or disproportionate processing of special categories of data that might be used to exploit vulnerabilities.</i></p> <p><i>4. Providers of intermediary services shall organise their online interface in such a way that recipients of services, in particular those considered as vulnerable consumers, can easily and efficiently access and modify advertising parameters. Providers of intermediary services shall monitor the use of advertising parameters by recipients of services on a regular basis and make best efforts to improve their awareness about the possibility to modify those parameters.</i></p>		<p><i>meaningful information, including information about the value of giving access to and about the use of their data.</i></p> <p><i>2.</i></p> <p><i>Recipients considered as vulnerable consumers may not be subject to targeted, micro-targeted and behavioural advertisement, unless having expressed a freely given, specific, informed and unambiguous consent.</i></p>	
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Amendment 96 Article 14 – paragraph 6b, new)		<i>6b. Where an online platform that allows consumers to conclude distance contracts with traders, detects and identifies illegal goods or services, it shall prevent this content from reappearing on the platform. The application of this requirement shall not lead to any general monitoring obligation.</i>		We support amendment 96.	It is important to introduce a <b>stay down mechanism</b>
Amendment 111 (Article 22 – title)	Traceability of traders	Traceability of traders, <b>products and services</b>	[Article 22 moved to Article 24a, into new Section 3a] Article 22 <b>4a</b> Traceability of traders	We support IMCO rapporteur’s amendment 111.	There is a need for obligations of traceability for more than just traders.  Within the supply chain for retailers there are traceability obligations for products. This should also apply for products sold via online marketplaces.
Amendment 118 (Article 22 – paragraph 1 – point fa, new)		<i>(fa) The type of products or services the trader intends to offer on the online platform, including information allowing for the unequivocal identification of the product or the service to be offered, and the relevant information in line with the compliance requirements for products and services set out in the Union law, including where applicable, the CE marking and the warnings, information and labels.</i>			We support the IMCO rapporteur’s amendment 111. However, we believe there is a need for specifying that different tasks must be performed by the online marketplace depending on whether the seller is from EU or a third country. In case of sellers from EU there is already an importer who has done the task for

					<p>products produced in a third country.</p>
<p><i>Amendment 119 (Article 22 – paragraph 2)</i></p>	<p>2. The online platform shall, upon receiving that information, <b>make reasonable efforts to assess</b> whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.</p>	<p>2. The online platform <b>allowing consumers to conclude distance contracts with traders</b> shall, upon receiving that information <b>and before providing its services to the trader or before placing the product or service on its online interface, and until the end of the contractual relationship, check</b> whether the information <b>provided by the trader</b> referred to in points (d) and (fa) of paragraph 1 is reliable, <b>complete, up-to-date. The online platform operator shall verify the information provided by the trader</b> through the use of any freely accessible official online database or online interface made available by a Member States or the Union <b>whose list is established by the Commission by means of an implementing act that shall be adopted no later than one year after the entry into force of this Regulation</b> or through requests to the trader to provide supporting documents from reliable sources. <b>Providers of intermediary services shall apply the identification and verification measures to new and existing traders.</b></p>	<p>2. The <b>provider of the online marketplace</b> shall, upon receiving that information, make reasonable <b>best</b> efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.</p>	<p>2. The online platform <b>allowing consumers to conclude distance contracts</b> shall, upon receiving that information <b>and before providing its services to the trader or before placing the product or service on its online interface, and until the end of the contractual relationship, check</b> whether the information <b>provided by the trader</b> referred to in points (d) and (fa) of paragraph 1 is reliable, <b>complete, up-to-date. The online platform operator shall verify the information provided by the trader</b> through the use of any freely accessible official online database or online interface made available by a Member States or the Union <b>whose list is</b></p>	<p>On this article the proactively obligations and requirements are necessary to create a safe digital environment for consumers but also because this is the standard way of doing contractual relationship within the rest of the supply chain. Hence, it is important to level playing field.</p> <p>Further, we believe there is a need for specifying that different tasks must be performed by the online marketplace depending on whether the seller is from EU or a third country. In case of sellers from EU there is already an operator who has done the task for products produced in a third country.</p> <p>“Suggestion 3.” is therefore corresponding to the due diligence obligations of a regular importer transferred to</p>

				<p><i>established by the Commission by means of an implementing act that shall be adopted no later than one year after the entry into force of this Regulation</i> or through requests to the trader to provide supporting documents from reliable sources.</p> <p><i>Providers of intermediary services shall apply the identification and verification measures to new and existing traders.</i></p> <p>3. Online marketplaces <u>allowing consumers to conclude distance contracts with traders from third countries</u> shall in addition to the above tasks, upon receiving that information and before providing its services to the trader or before</p>	<p>digital importers (the online marketplaces)</p>
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				<p><u>placing the product or service on its online interface, and until the end of the contractual relationship, perform the following tasks:</u></p> <p><u>1. Online Marketplaces shall only allow compliant products to be placed for sale on their interface.</u></p> <p><u>2. Before a product is placed for sale on their interface, online marketplaces shall ensure that the appropriate conformity assessment procedure has been carried out by the manufacturer of the product. They shall ensure that the manufacturer has drawn up the technical documentation, that the product bears the required conformity marking and is accompanied by the required documents,</u></p>	
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and that the manufacturer has complied with the requirements set out in the relevant union law.  
Where an online marketplace considers or has reason to believe that a product is not in conformity with the requirements set out in the union regulation, it shall not let the product be placed for sale on its interface until the product has been brought into conformity.  
Furthermore, where the product presents a risk, the online marketplace shall inform the trader or the manufacturer and the market surveillance authorities to that effect.  
3. Online marketplaces shall ensure that the product is accompanied

by instructions and safety information in a language or languages easily understood by consumers, as determined by the Member State that the product is directed for sale to.

4. When deemed appropriate with regard to the risks presented by a specific product, online marketplaces shall, to protect the health and safety of consumers, carry out sample testing of products that are placed for sale on their interface, investigate, and, if necessary, keep a register of complaints, of non-conforming products and product recalls, and shall keep sellers informed of such monitoring. It is important that these

				<p><u>actions are performed in a way that leaves no room for sellers to supply the online marketplaces with samples of products that in terms of compliance are different ('golden samples') from the products that are sold to EU consumers.</u></p> <p><u>5. Online marketplaces who consider or have reason to believe that a product which has been placed for sale on their interface is not in conformity with the relevant EU legislation shall immediately take the corrective measures necessary to bring that into conformity, to withdraw it or recall it, if appropriate.</u></p> <p><u>Furthermore, where the product presents a risk, online marketplaces shall</u></p>	
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				<p><b><u>immediately inform the competent national authorities of the Member States in which the product is made available to that effect, giving details of the non-compliance and of any corrective measures taken.</u></b></p> <p><b><u>6. Online marketplaces shall, for a period of 10 years after the product has been placed for sale on their interface, keep a copy of the EC declaration of conformity at the disposal of the market surveillance authorities and ensure that the technical documentation can be made available to those authorities, upon request.</u></b></p> <p><b><u>7. Online marketplaces shall, further to a reasoned request from a competent national</u></b></p>	
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				<p><b><u>authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the product in a language easily understood by that authority. They shall cooperate with that authority, at its request, on any action taken to eliminate the risks posed by products that are placed for sale on their interface.</u></b></p>	
<p><i>Amendment 120 (Article 22 – paragraph 3 – subparagraph 1)</i></p>	<p>3. <i>Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.</i></p>	<p>3. The online platform <i>shall take adequate measures such as random checks on the products and services offered to consumers in addition to the obligations</i> referred to in paragraph 1 <i>and 2 of this Article in order to identify and prevent the dissemination, by traders using its service, of offers for products or services which do not comply with Union or national laws.</i></p>	<p>3. Where the <b>provider of the</b> online platform <b>marketplace</b> obtains <b>sufficient</b> indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that <b>marketplace</b> platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.</p>	<p>We support the IMCO rapporteur’s amendment 120.</p>	<p>This is an important amendment obliging online marketplaces platforms to take proactive measures in order to prevent the sale of illegal products.</p>

			Where the trader fails to correct or complete that information, the online platform shall suspend the provision of its service to the trader until the request is complied with.		
<i>Amendment 122 (Article 22 – paragraph 4)</i>	4. The online platform shall <i>store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.</i>	4. <i>Where a market surveillance authority or a customs authority informs the online platform that an offer for a product or a provision of a service is illegal with regard to applicable requirements in Union or national law, such as requirements on product safety and product compliance, that online platform shall remove the offer or disable access to it in compliance with Article 5 of this Regulation.</i> The online platform shall <i>inform the trader, who has supplied the illegal offer for a product or for a provision of a service, of the decision mentioned in this paragraph, in accordance with Articles 15 and 17. The online platform shall also inform the market surveillance authority or the custom authority of the decision taken. When informing the trader of the decision to remove or disable access to the offer, and where the illegality of the offer in question relates to a non-compliance of the product or provision of a service which may endanger the health or the safety of</i>	4. The <b>provider of the online marketplace</b> platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of <b>6 months after the end of their</b> contractual relationship with the trader concerned. They shall subsequently delete the information.	4. <i>Where a market surveillance authority or a customs authority informs the online platform that an offer for a product or a provision of a service is illegal with regard to applicable requirements in Union or national law, such as requirements on product safety and product compliance, that online platform shall remove the offer or disable access to it in compliance with Article 5 of this Regulation.</i> The online platform shall <i>inform the trader, who has supplied the illegal offer for a product or for a provision of a service, of the decision mentioned in this paragraph, in accordance with Articles</i>	

		<p><i>consumers, the online platform shall request from the trader to communicate all information able to demonstrate that the trader in question has taken the appropriate corrective measures, including where applicable measures within the meaning of Article 16 (3) of Regulation (EU) 2019/1020 of the European Parliament and of the Council<sup>1a</sup>.</i></p> <hr/> <p><i><sup>1a</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).</i></p>		<p><i>15 and 17. The online platform shall also inform the consumer, who has purchased the product, the market surveillance authority or the custom authority of the decision taken. When informing the trader of the decision to remove or disable access to the offer, and where the illegality of the offer in question relates to a non-compliance of the product or provision of a service which may endanger the health or the safety of consumers, the online platform shall request from the trader to communicate all information able to demonstrate that the trader in question has taken the appropriate corrective measures, including where applicable measures within the meaning of Article 16 (3) of Regulation (EU) 2019/1020 of the European Parliament and of the Council<sup>1a</sup>.</i></p> <hr/>	
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				<i><b>1a Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).</b></i>	
<i>Amendment 126 Article 23 – paragraph 1 – point a)</i>	(a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute settlement procedures;	(a) the number of disputes submitted to the <i>certified</i> out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute settlement procedures;	(a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute settlement procedures;		
<i>Amendment 129 Article 24)</i>	<i>Article 24 Online advertising transparency</i>  <i>Online platforms that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time: (a) that the information displayed is an advertisement;</i>	<i>deleted</i>	<i>Article 24 Online advertising transparency</i>  <i><b>Providers of o</b>Online platforms that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear, <b>salient</b> and unambiguous manner and in real time: (a) that the information displayed is an advertisement;</i>	<i>Online advertising transparency</i>  <i>Online platforms <b>an intermediary</b> that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and</i>	We support, that it should be easy to identify advertisements.  However, we see no advantage for consumers to have direct access to information about the main parameters used to determine to whom the advertisements are displayed. This is complex and will be hard

	<p><i>(b) the natural or legal person on whose behalf the advertisement is displayed;</i>  <i>(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed.</i></p>		<p>(b) the natural or legal person on whose behalf the advertisement is displayed;  (c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed, <b><u>presented in an easily accessible manner.</u></b></p>	<p><i>unambiguous manner and in real time:</i>  <i>(a) that the information displayed is an advertisement;</i>  <i>(b) the natural or legal person on whose behalf the advertisement is displayed;</i>  <i>(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed.</i></p>	<p>to communicate in and understandable way.</p>
<p>Amendment 130  Article 24a (new)</p>		<p style="text-align: center;"><b>Article 24a</b>  <b>Recommender systems</b></p> <p><b>1. Online platforms shall not make the recipients of their services subject to recommender system 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.</b></p> <p><b>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</b></p>		<p>Delete</p> <p>We cannot support amendment 130.</p>	<p>Consumers ask for more relevant information – not less.</p> <p>The amendment will lead to information overload and make European platforms less relevant.</p>

*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 of the European Parliament and of the Council. 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.*

*3. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible function on their*

		<p><i>online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.</i></p> <p><i>4. Online platforms shall inform their users about the identity of the person responsible for the recommender system.</i></p> <p><i>5. 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.</i></p> <p><i>6. 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.</i></p>			
<p>Amendment 131 Article 24b, new)</p>		<p><b>Article 24b</b> <b>Information on sustainable consumption</b></p> <p><i>Online platforms allowing consumers to conclude distance contract with traders shall make their best effort to provide clear, credible, comparable and easily understandable information to recipients of services,</i></p>		<p>Delete.</p> <p>We cannot support Amendment 131.</p>	<p><b>Delete</b></p> <p><b>As commented to amendment 31,</b> Tackling climate change and sustainability is very important but also a complex issue which should be tackled in the sectorial legislation. The</p>



		<p><i>related to sustainable consumption, such as, where relevant, the use of sustainable and efficient delivery methods, the use of packaging from sustainable materials, as well as on the environmental cost of returning goods in the event of withdrawal.</i></p>		<p>DSA is not the right place to place obligations regarding climate and sustainability information. These rules should be harmonized within the whole supply chain. There is a new regulation coming up on Due Diligence, and new consumer rights are expecting to be introduced, e.g. green marketing. The amendment is not specific enough for interpretations and implementations for businesses and will consequently lead to more complications and information overload for consumers.</p> <p>And it also risks contractual problems between the sellers and the online marketplace in the case the information towards the consumers turn out to be wrong or misleading- who is responsible then?</p> <p>It would be more efficient to oblige online</p>
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					platforms and marketplaces to follow the same EU environmental rules as other businesses. obligations for the online
	<p><i>Article 30 Additional online advertising transparency</i></p> <p>1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed. 2. The repository shall include at least all of the following information: (a) the content of the advertisement; (b) the natural or legal person on whose behalf the advertisement is displayed; (c) the period during which the advertisement was displayed; (d) whether the advertisement was intended to be</p>	<p><b>(ea) whether one or more particular groups of recipients have been explicitly excluded from the advertisement target group.</b></p>	<p><i>Article 30 Additional online advertising transparency</i></p> <p>1. Providers of very large online platforms that display advertising on their online interfaces shall compile and make publicly available in a specific section of their online interface and through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed</p>	<p>Providers of very large online platforms that display advertising on their online interfaces shall compile a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed. Information in the repository shall be made available to researchers and public authorities upon request in a specific section of their online interface.</p>	<p>This information is commercially sensitive and should not be public as it can be used to analyse and extrapolate competitors' marketing strategies. Access should be restricted to public authorities in order to protect commercially sensitive information and ensure fair competition, which will benefit consumers.</p>

	displayed specifically to one or more particular groups of recipients of the service and if so, the main parameters used for that purpose; (e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically. Article 31 Data access and scrutiny				
Amendment 138 Article 31 – paragraph 1	1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.	1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data <b>and algorithms</b> that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.	1. <b>Providers of v</b> <del>Very</del> large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.	Delete  We cannot support amendment 138.	Access to data can be necessary for public authorities in a control function. However, this should not be expanded to algorithms.
Amendment 139  Article 31, 1 (new)		<b>1a. The very large online platform shall be obliged to explain the design and the functioning of the algorithms if requested by the Digital Service Coordinator of establishment.</b>		<i>1a. The very large online platforms <b>have the right to and shall be obliged to explain the design and the functioning of the algorithms if requested by the Digital Service</b></i>	It should also be a right for the platform to describe their algorithms to the DSC's at inspections.  The best would be, if the DSA replaced access to the technical construction of algorithms (which is

				<i>Coordinator of establishment.</i>	commercially sensitive) to an obligation to explain what they do.
<i>Amendment 140 Article 31 – paragraph 4)</i>	4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.	4. In order to be vetted, researchers shall be affiliated with academic institutions <b><i>or civil society organisations representing the public interest</i></b> , be independent from commercial interests, <b><i>disclose the funding financing the research</i></b> , have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.	4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.		
<i>Amendment 141 Article 33a, new)</i>		<p style="text-align: center;"><b><i>Article 33a Algorithm accountability</i></b></p> <p><b><i>1. When using automated decision-making, the very large online platform shall provide the Commission with the necessary information to perform an assessment of the algorithms used.</i></b></p> <p><b><i>2. When carrying out the assessment referred into paragraph 1, the Commission shall assess the following elements:</i></b></p> <p><b><i>(a) the compliance with corresponding Union requirements;</i></b></p> <p><b><i>(b) how the algorithm is used by the very large online platform and its impact on the provision of the service;</i></b></p>		Delete  We cannot support the wording of the IMCO-rapporteurs amendment.	We can sympathise with the intention; however, the wording is unclear. It should be defined clearly which information the platforms are expected to give to the Commission. “The necessary information” is too broad.

		<p><i>(c) the impact on fundamental rights, including on consumer rights, as well as the social effect of the algorithms; and</i></p> <p><i>(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).</i></p> <p><i>3. When performing their assessment, the Commission may seek advice from relevant national public authorities, researchers and non-governmental organisations.</i></p> <p><i>4. Following the assessment, referred to in paragraph 2, the Commission shall communicate its findings to the very large online platforms and allow them to provide additional explanation on the conclusion of the findings within a period of two weeks.</i></p> <p><i>5. 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 of this Article, the Commission shall take appropriate measures laid down in this Regulation to stop the infringement.</i></p>			

<p><i>Amendment 164 Article 50 – paragraph 1 – subparagraph 2)</i></p>	<p>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, <b>may</b>, where it has reasons to suspect that a very large online platform infringed any of those provisions, <b>recommend</b> 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.</p>	<p>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, <b>shall</b>, where it has reasons to suspect that a very large online platform infringed any of those provisions, <b>request</b> 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 <b>and no later than three months</b>.</p>	<p>The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, may, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period.</p>	<p>We support amendment 164.</p>	<p>The Commission should be obliged to act upon infringements. A deadline of three months is fair.</p>
<p><i>Amendment 167 Article 54 – paragraph 3)</i></p>	<p>3. During on-site inspections the Commission and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).</p>	<p>3. During on-site inspections the Commission and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. <b>Where necessary, the Commission or the Board may require additional information about the algorithms in question in order to assess the algorithm in accordance with Article 33a.</b> The Commission and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).</p>	<p>3. During on-site inspections the Commission and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel of the very large online platform concerned or other person referred to in Article 52(1).</p>	<p>We cannot support the IMCO rapporteur’s amendment.</p>	<p>The technical details of algorithms are commercially sensitive. VLOP should be obliged to explain how their algorithms function and what they do.</p>
