

COMPROMISE AMs & list of AMs not included
LIBE INI report on the DSA - fundamental rights and data protection aspects
(rapporteur: Kris PEETERS)

CITATIONS

COMP A on Citation 3 covers AMs 1 (S&D), 2 (GUE) - agreed on political level

having regard to the Charter of Fundamental Rights of the European Union, in particular Article 6, Article 7, Article 8, Article 11, Article 13, Article 21, Article 22, **Article 23**, Article 24, **Article 26 and Article 38, and Article 47** thereof,

COMP B on Citation 6 a (new) covers AMs 4 (S&D), 5 (EPP), 6 (Greens) - agreed on political level

having regard to Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)^{1a} in view of changing market realities;

^{1a} OJ L 303, 28.11.2018, p. 69–92.

COMP C on Citation 6 b (new) covers AMs 9 (EPP), 10 (RE) - agreed on political level

having regard to Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC ('Copyright Directive'),^{1a}

^{1a} OJ L 130, 17.5.2019, p. 92.

RECITALS

COMP D on B covers AMs 20 (S&D), 21 (Greens), AM 34 (Greens) - agreed on political level; AM 18 (RE), 19 (GUE), 102 (RE), 183 (EPP) should fall

whereas the data protection rules applicable to all providers offering digital services in the EU's territory were recently updated and harmonised across the EU with the General Data Protection Regulation; *whereas privacy rules for electronic communications, which are a subset of digital services, are covered by the ePrivacy Directive and are currently under revision;*

COMP E on C and F covers AMs 22 (Child Intergroup), 23 (GUE), 24 (EPP), 25 (S&D), 26 (Greens), 42 (EPP), 43 (ECR), 44 (Greens), 45 (S&D), 46 (GUE), - Recital F will be deleted - agreed on political level

C. whereas the amount of *all types* of user-generated content shared and *services provided* via online platforms, *including cloud services*, has increased exponentially *and at an*

unprecedented pace facilitated by advanced technologies; whereas this includes illegal content such as images depicting Child Sexual Abuse Material (CSAM) online and content that is legal, yet may be harmful for society and democracy, such as disinformation on COVID-19 remedies;

COMP F on recital C a (new) and C b (new) covers AMs 29 (S&D), 40 (EPP), 41 (EPP), 60 (GUE), CULT (24) - HATE SPEECH/DISINFORMATION - agreed on political level

Ca(new). whereas online hate speech and disinformation have become increasingly widespread in recent years as individuals and disruptive actors make use of online platforms to increase polarisation, which in turn is used for political purposes; whereas women, persons of colour, persons belonging to or perceived as belonging to ethnic or linguistic minorities and LGBTIQ persons are often targeted by discriminatory hate speech, bullying, threats and scapegoating online;

Cb(new). whereas this trend has been aided by online platforms whose business model is based on the collection and analysis of user data with a view to generate more traffic and 'clicks', and, in turn, more profiling data and thus more profit; whereas this leads to the amplification of sensationalist content; whereas hate speech and disinformation harm the public interest by undermining respectful and honest public discourse and pose threats to public security since they can incite real-world violence; whereas combating such content is relevant both to ensure respect for fundamental rights and to defend the rule of law and democracy in the EU;

COMP G on C c (new) and C d (new) covers AMs 27 (S&D), 28 (S&D), 30 (S&D), 31 (S&D), 61 (GUE) - PROFILING - agreed on political level

Cc(new). whereas social media and other content distribution platforms utilise profiling techniques to target and distribute their content as well as advertisements; whereas data collected from the digital traces of individuals can be mined in ways that allow for a highly accurate inference of very intimate personal information, especially when these data are merged with other data sets; whereas the Cambridge Analytica and Facebook scandals showed the risks associated with opaque data processing operations of online platforms by revealing that certain voters had been micro-targeted with political advertising and at times even with targeted disinformation;

Cd(new). whereas the automated algorithms that decide how to handle, prioritise, distribute and delete third-party content on online platforms, including during political and electoral campaigns, often reproduce existing discriminatory patterns in society, thereby leading to a high risk of discrimination for persons already affected; whereas the widespread use of algorithms for content removal or blocking also raises rule of law concerns and questions of legality, legitimacy and proportionality;

COMP H on D covers AMs 32 (GUE), 33 (ECR), 35 (GUE)- agreed on political level

*whereas a small number of mostly non-European service providers have significant market power and exert influence on the rights and freedoms of individuals, our societies and democracies **by controlling how information, services and products are presented, thus having a significant impact on the functioning of EU Member States and on their citizens;***

whereas the decisions of these platforms can have far-reaching consequences for the freedom of expression and information and for media freedom and pluralism;

COMP I on E covers AMs 36 (EPP), 37 (Greens), 38 (GUE), 39 (S&D) - agreed on political level; if adopted, AM 55 (GUE) falls

whereas the *policy* approach to tackle illegal content online in the EU has mainly focused on voluntary cooperation *and court order mandated takedowns* thus far, but a growing number of Member States are adopting *further* national legislation *addressing* illegal content *in a non-harmonised manner; whereas provisions to address certain types of illegal content were included in recent sectoral legislation at EU level;*

COMP J on G covers AMs 47 (S&D), 48 (Greens), 49 (ECR), 50 (RE), 51 (GUE) - agreed on political level

whereas a pure self-regulatory approach of platforms does not provide adequate transparency, *accountability and oversight; whereas it neither provides proper information* to public authorities, civil society and users on how platforms address illegal *content and activities* and content *that violates their terms and conditions, nor on how they curate content in general;* whereas such an approach *may* not guarantee compliance with fundamental rights *and creates a situation where judicial responsibilities are partially handed over to private parties, which poses the risk of interference with the right to freedom of expression;*

COMP K on J covers AMs 56 (EPP), 57 (ECR), 58 (S&D), 59 (Greens) - agreed on political level

whereas the lack of robust, *comparable* public data on the prevalence of illegal and harmful content online, *on notices and court mandated and self-regulatory removal thereof, and on the follow up by competent authorities* creates a deficit of *transparency and accountability, both in the private and public sector; whereas there is a lack of information regarding the algorithms used by platforms and websites and the way platforms address the erroneous removal of content;*

COMP L on K covers AMs 64 (RE), 65 (EPP), 66 (S&D) - agreed on political level; if adopted, AMs 62 (Greens) & 63 (GUE) fall

whereas child sexual exploitation online is *one of the forms of illegal content facilitated by technological developments;* whereas the vast amount of child sexual abuse material circulating online poses serious challenges for detection, investigation and, most of all, victim identification efforts; *whereas reports of online sharing of child sexual abuse material that were made to US-based NCMEC increased by 106% according to Europol within the last year;*

COMP M on L covers AMs 68 (S&D), 70 (GUE) - agreed on political level, if adopted, AMs 67 (Greens) and 69 (ECR) fall

whereas according to the Court of Justice of the European Union (CJEU) jurisprudence, *content should be removed following a court order from a Member State; whereas* host providers may have recourse to automated search tools and technologies to *detect and remove content that is* equivalent to content previously declared unlawful *but should not be obliged to monitor generally the information which it stores or actively seek facts or circumstances indicating illegal activity, as provided for in Article 15(1) of Directive 2000/31;*

PARAGRAPHS

COMP 1 on par. 1 covers AMs 73 (Greens), 90 (EPP), 91 (EPP), 92 (RE), 93 (GUE), 94 (Greens), 95 (S&D), IMCO (2), CULT (1), CULT (16), CULT (20), CULT (22) - *this par. should become the new par. 1 - agreed at political level;* if adopted, AM 96 (GUE) should fall

1. Believes in the clear *societal and* economic benefits of a functioning digital single market for the EU and its Member States; *welcomes these benefits, in particular improved access to information and the strengthening of the freedom of expression;* stresses the important obligation to ensure a fair digital ecosystem in which fundamental rights *as enshrined in the Treaties and the Charter of Fundamental Rights of the European Union, especially freedom of expression and information, non-discrimination, media freedom and pluralism, privacy* and data protection, are respected *and user safety online is ensured; emphasises that legislative and other regulatory interventions in the digital single market aiming to ensure compliance with this obligation should be strictly limited to what is necessary; recalls that content removal mechanisms used outside the guarantees of a due process contravene Article 10 of the European Convention on Human Rights;*

COMP 2 on par. 2 covers AMs 80 (GUE), 82 (Child Intergroup), 83 (RE), 101 (S&D) - agreed on political level – IMCO 5

2. *Urges the Commission to adopt a tailored regulatory approach to address the differences which still exist between online and offline worlds and the challenges raised by the diversity of actors and services offered online; considers, in this regard, essential to apply different regulatory approaches to illegal and legal content;* stresses that illegal content online *and cyber-enabled crimes* should be tackled with the same rigour *and based on the same legal principles* as illegal content *and criminal behaviour* offline, *and with the same guarantees for citizens; Recalls that the e-Commerce Directive is the legal framework for online services in the internal market that regulates content management;*

COMP 3 on par. 3 a (new) - 3d (new), covers AMs 81 (S&D), 84 (GUE), 87 (S&D), 202 (EPP), 204 (Greens), 210 (S&D), 250 (Greens), 256 (EPP), 265 (GUE), IMCO (8), IMCO (11), CULT (3), CULT (5) - **HARMFUL CONTENT** - agreed on political level

3a(new). Takes the position that any legally mandated content take-down measures in the Digital Services Act should concern only illegal content as defined in European or national law and that the legislation should not include any undefined concepts and terms as this would create legal uncertainty for online platforms and put fundamental rights and freedom of speech at risk;

3b(new). Acknowledges, however, that the current digital ecosystem also encourages problematic behaviour, such as microtargeting based on characteristics exposing physical or psychological vulnerabilities, the spreading of hate speech, racist content and disinformation, emerging issues such as the organised abuse of multiple platforms, and the creation of accounts or manipulation of online content by algorithms; notes with concern that some business models are based on showing sensational and polarising content to users in order to increase their screen time and thereby also the profits of the online platforms; underlines the negative effects of such business models for the fundamental rights of individuals and for society as a whole; calls for transparency on monetisation policies of online platforms;

3c(new). Emphasizes therefore that the spreading of such harmful content should be contained; firmly believes that media literacy skills, user control over content proposed to them and public access to high-quality content and education are crucial in this regard; welcomes, therefore, the Commission initiative to create a European Digital Media Observatory to support independent fact-checking services, increase public knowledge on online disinformation and support public authorities in charge of monitoring digital media;

3d(new) calls on the Commission and on Member States to support independent and public service media as well as educational initiatives on media literacy and targeted awareness-raising campaigns within civil society; points out that special attention should be paid to harmful content in the context of minors using the internet, especially in regard to their exposure to cyberbullying, sexual harassment, pornography, violence or self-harm;

COMP 3B on par 3 e (new) covers AMs 77 (Greens), 181 (EPP), 201 (S&D), 209 (Greens), CULT (13), CULT (21) - MICROTARGETING –agreed on political level

3e. Notes that since the online activities of an individual allow for deep insights into their personality and make it possible to manipulate them, the general and indiscriminate collection of personal data concerning every use of a digital service interferes disproportionately with the right to privacy and the protection of personal data; highlights in particular the potential negative impact of micro-targeted and behavioural advertisements and of assessments of individuals, especially minors and vulnerable groups, by interfering in the private life of individuals, posing questions as to the collection and use of the data used to personalise advertising, offer products or services or set prices; confirms that the right of users not to be subject to pervasive tracking when using digital services has been included in GDPR and should be properly enforced across the EU; notes that the Commission has proposed to make targeted content curation subject to an opt-in decision in its proposal for a new ePrivacy Regulation (2017/0003 (COD));

COMP 4 on par. 3 f (new) covers AMs 205 (S&D), 206 (RE), 207 (RE) - POLITICAL ADS

- agreed on political level; if adopted, AM 194 (ECR) falls

3.f Deems that misleading or obscure political advertising is a special class of online threat because it influences the core mechanisms that enable the functioning of our democratic society, especially when such content is sponsored by third-parties, including foreign actors; underlines that when profiling is deployed at scale for political microtargeting to manipulate voting behaviour, it can seriously undermine the foundations of democracy; calls, therefore, on digital service providers to take the necessary measures to identify and label content uploaded by social bots and expects the Commission to provide guidelines on the use of such persuasive digital technologies in electoral campaigns and political advertising policy; calls, in this regard, for the establishment of strict transparency requirements for the display of paid political advertisement;

COMP 5 on par. 4 covers AMs 86 (RE), 103 (Greens), 104 (S&D), 106 (ECR) 107 (GUE), 108 (Child Intergroup), 127 (EPP), 180 (GUE), 145 (Child intergroup), CULT (6), CULT (9), CULT (12), CULT (14) - agreed at political level; if adopted, AMs 105 (Renew) & 109 (S&D) fall

4. Deems it necessary that illegal content is removed consistently and without undue delay in order to address *infringements, especially those relating to children and terrorist content*, and fundamental rights violations with the necessary safeguards in place, such as transparency of the process, the right to appeal and access to effective judicial redress; considers that voluntary codes of conduct and standard contractual terms of service lack adequate enforcement and have proven to only partially address the issue; *stresses that the ultimate responsibility for enforcing the law, deciding on the legality of online activities and ordering hosting service providers to remove or disable access to illegal content rests with independent competent authorities;*

COMP 6 on par. 5a covers AMs 111 (GUE), 112 (RE), 113 (EPP), 114 (S&D), 115 (ECR), 116 (Greens), 117 (S&D), 147 (EPP) 182 (RE), 185 (RE), CULT (8) - agreed on political level

5a. Recalls that illegal content online should not only be removed by online platforms, but should be followed up by law enforcement and the judiciary *where criminal acts are concerned; calls on the Commission to consider obliging online platforms to report serious crime to the competent authority, upon obtaining actual knowledge of such a crime*; finds, in this regard, that a key issue in some Member States is not that they *just* have unresolved cases but *also* unopened ones; calls for barriers to filing complaints with competent authorities to be removed; is convinced that, given the borderless nature of the internet and the fast dissemination of illegal content online, cooperation between service providers and national competent authorities, *as well as cross-border cooperation between national competent authorities*, should be improved *and based on the principles of necessity and proportionality*; *stresses in this regard the need to respect the legal order of the EU and the established principles of cross-border cooperation and mutual trust; calls on Member States to equip their law enforcement and judicial authorities with the necessary expertise, resources and tools to allow them to effectively and efficiently deal with the increasing number of cases involving illegal content online and with dispute resolution concerning the taking offline of content, and to improve access to justice in the area of digital services;*

COMP 7 on par. 5 and 5 a (new) covers AMs 119 (Greens), 120 (GUE), 121 (EPP), 122 (S&D), 123 (RE), 124 (ECR), 126 (EPP), CULT (11) - agreed at political level; if adopted, AM 125 (RE) falls

5. Acknowledges the fact that, while the illegal nature of certain types of content can be easily established, the decision is more difficult for other types of content as it requires contextualisation;; warns that *current* automated tools are not *capable of critical analysis and to adequately grasp the importance of context for specific pieces of content*, which could lead to unnecessary *takedowns and harm* the freedom of expression *and the access to diverse information, including on political views, thus resulting in censorship; highlights that human review of automated reports by service providers or their contractors does fully not solve this problem, especially if it is outsourced to private staff that lacks sufficient independence, qualification and accountability;*

5a(new). Notes with concern that illegal content online can easily and quickly be multiplied and its negative impact therefore amplified within a very short period of time; nevertheless believes that the Digital Services Act should not contain any obligation for hosting service providers or other technical intermediaries to use automated tools in content moderation;

COMP 8 on par. 6 covers AMs 128 (Greens), 129 (GUE), 130 (EPP), 131 (RE), 249 (RE) - agreed on political level

6. Underlines that a specific piece of *content* may be deemed illegal in one Member State but is covered by the right to freedom of expression in another; *highlights that in order to protect freedom of speech, to avoid conflicts of laws, to avert unjustified and ineffective geo-blocking and to aim for a harmonised digital single market, hosting service providers should not be required to remove or disable access to information that is legal in the Member State that they are established in respectively where their designated legal representative resides or is established; reminds that national authorities can only enforce removal orders by independent competent authorities addressed to service providers established in their territory; considers it necessary to strengthen the mechanisms of cooperation between the Member States with the support of the Commission and relevant Union agencies; calls for a structured dialogue between Member States in order to determine the risk of specific types of content and to identify potential differences in assessment of such risks between Member States;*

COMP 9 on par. 7 and 7a-c(new) covers AMs 74 (RE), 75 (Greens), 85 (S&D), 89 (S&D), 134 (S&D), 135 (GUE), 136 (EPP), 137 (EPP), 138 (RE), 139 (S&D), IMCO (1), IMCO (4), CULT (2), CULT (18), CULT (19) - agreed on political level; if adopted, AMs 133 (GUE) and 264 (RE), IMCO (6) fall

7. Strongly believes that the current EU legal framework governing digital services should be updated with a view to addressing the challenges posed by *the fragmentation between the Member States and new technologies, such as the prevalence of profiling and algorithmic decision-making that permeates all areas of life, as well as ensuring legal clarity and respect for fundamental rights, in particular the freedom of expression and the right to privacy in a futureproof manner given the rapid development of technology;*

7a(new). Welcomes the Commission's commitment to introduce a harmonised approach addressing obligations for digital service providers, including online intermediaries, in order to avoid fragmentation of the internal market and inconsistent enforcement of regulations; calls on the Commission to propose the most efficient and effective solutions for the internal market as a whole, while avoiding new unnecessary administrative burdens and keeping the digital single market open, fair, safe and competitive for all its participants; stresses that the liability regime for digital service providers must be proportionate, must not disadvantage small and medium sized providers and must not unreasonably limit innovation and access to information;

7b(new). Considers that the reform should build on the solid foundation of and full compliance with existing EU law, especially the General Data Protection Regulation *and Directive (EC) 2002/58 of the European Parliament and of the Council (ePrivacy) currently under revision, and respect the primacy of other sector-specific instruments such as the Audiovisual Media Services Directive; underlines that the modernisation of the e-Commerce rules can affect fundamental rights; therefore urges the Commission to be extremely vigilant in its approach and to also integrate international human rights standards into its revision;*

7c(new). Highlights that the practical capacity of individual users to understand and navigate the complexity of the data ecosystems is extremely limited, as is their ability to identify whether the information they receive and services they use are made available to them on the same terms as to other users; calls therefore on the Commission to place transparency and non-discrimination at the heart of the Digital Services Act;

COMP 10 on par. 7 d (new) covers AM 97 (S&D), 99 (S&D), CULT (17) - ALGORITHMS
- agreed on political level

7d. (new). Insists that the Digital Services Act must aim to ensure a high level of transparency as regards the functioning of online services and a digital environment free of discrimination; stresses that, besides the existing strong regulatory framework which protects privacy and personal data, an obligation for online platforms is needed to ensure the legitimate use of algorithms; calls therefore on the Commission to develop a regime based on the e-Commerce Directive that clearly frames the responsibility of service providers to address the risks faced by their users and to protect their rights and to provide for an obligation of transparency and explainability of algorithms, penalties to enforce such obligations, the possibility of human intervention and other measures such as annual independent audits and specific stress tests to assist and enforce compliance;

COMP 11 on par. 7 e (new) & 7 f (new) covers AMs 78 (Greens), 261 (S&D), 266 (S&D), 267 (S&D) - ANONYMITY/SIGN-IN SYSTEMS - agreed on political level – if adopted, AMs 76 (Greens), 100 (RE) & AM 193 (GUE) fall

7e. (new). Stresses that some digital service providers have to be able to identify users unambiguously in an equivalent manner to offline services; notes an unnecessary collection of personal data, such as cell phone numbers, by online platforms at the point of registration for a service, often caused by the use of single sign-in possibilities; underlines that the GDPR clearly describes the data minimisation principle, thereby

limiting the collected data to only that strictly necessary for the purpose; recommends that online platforms which support a single sign-in service with a dominant market share should be required to also support at least one open identity system based on a non-proprietary, decentralised and interoperable framework;

7f. (new). Underlines that where a certain type of official identification is needed offline, an equivalent secure online electronic identification system needs to be created; believes that online identification can be improved by enforcing eIDAS Regulation's cross-border interoperability of electronic identifications across the European Union; asks the Commission to explore the creation of a single European sign-in system as an alternative to private single sign-in systems and to introduce an obligation for digital services to always also offer a manual sign-in option, set by default; underlines that this service should be developed so that the collection of identifiable sign-in data by the sign-in service provider is technically impossible and data gathered is kept to an absolute minimum; recommends the Commission, in this context, to also explore the creation of a verification system for users of digital services, in order to ensure the protection of personal data and age verification, especially for minors, which shall not be used commercially or to track the users cross-site; stresses that these sign-in and verification systems should only apply to digital services that require personal identification, authentication or age verification; reminds that Member States and Union institutions have to guarantee that electronic identifications are secure, transparent, only process data necessary for the identification of the user and are only used with a legitimate purpose, and not used commercially, to restrain general access to the internet or to track the users cross-site;

COMP 12 on par. 8 covers AMs 140 (Greens), 141 (GUE), 142 (Renew), 143 (S&D) - agreed on political level

8. Deems it indispensable to have the *full* harmonisation *and clarification* of rules on liability at EU level to guarantee the respect of fundamental rights and the freedoms of users across the EU; *believes that such rules should maintain liability exemptions for intermediaries not having actual knowledge of the illegal activity or information on their platforms*; expresses its concern that recent national laws to tackle hate speech and disinformation lead to *an increasing* fragmentation of rules *and to a lower level of fundamental rights protection in the EU*;

COMP 13 on par. 9 covers AMs, 147 (EPP), 148 (S&D), 149 (Greens), 150 (Renew) - - agreed on political level, if adopted, AMs 144 (GUE), 145 (Child intergroup) and 146 (ECR) fall

9. Calls, to this end, for legislative proposals that keep the digital single market open and competitive *by providing harmonised requirements for* digital service providers to apply effective, coherent, transparent and fair procedures and procedural safeguards to *address* illegal content in line with *the national and European law, including via a harmonised notice-and-action procedure*;

COMP 14 on par. 10, 11 and 11 a (new) covers AMs 88 (Renew)151 (RE), 152 (RE), 154 (Greens), 155 (S&D), 156 (RE), 157 (RE), 158 (S&D), 159 (GUE), 160 (Child Intergroup), 161 (ECR), 162 (S&D), 163 (RE), 164 (EPP), 165 (Greens), 166 (EPP) - agreed on political level – if adopted, AMs 14 (Greens), 118 (Greens), 153 (GUE) fall

10. Believes, in this regard, that it is *crucial for* online platforms *to be provided with clear rules, requirements and safeguards with regard to liability for third party content; proposes to put in place a common regulatory framework to efficiently identify and remove illegal content;*

11. Highlights that rules on notice-and-action mechanisms *should be complemented by* requirements for platforms to take *specific* measures that are proportionate to their scale of reach *as well as their technical and* operational capacities in order to *effectively* address *and prevent* the appearance of illegal content on their services; *recognizes therefore, where technologically feasible, based on sufficiently substantiated orders by independent competent public authorities, and taking full account of the specific context of the content, that digital service providers may be required to execute periodic searches for distinct pieces of content that a court had already declared unlawful, provided that the monitoring of and search for the information concerned by such an injunction are limited to information conveying a message the content of which remains essentially unchanged compared with the content which gave rise to the finding of illegality and containing the elements specified in the injunction, which, in line with the ECJ Judgment in Case C-18/18, are identical or equivalent to the extent that would not require the host provider to carry out an independent assessment of that content;*

11a. Maintains that the choice of the concrete measures should be left to the platforms; supports a balanced approach *based on a dialogue with stakeholders and an assessment of the risks incurred by the platforms,* as well as a clear chain of responsibility to avoid unnecessary regulatory burdens for the platforms and unnecessary and disproportionate restrictions on fundamental rights, *in particular* the freedom of expression, *access to information, including on political ideas, and the right to privacy;* *stresses that certain obligations can be further specified by sectoral legislation; emphasises that any measure put in place to this end cannot constitute, either de jure or de facto, a general monitoring requirement;*

COMP 15 on par. 12 covers AMs 167 (S&D), 168 (Greens), 169 (ECR), 170 (Renew), 171 (GUE), IMCO 9 - agreed on political level

12. Stresses the need for appropriate safeguards and due process obligations, including a *requirement for* human oversight and verification, in addition to counter notice procedures, *to allow content owners and uploaders to defend their rights adequately and in a timely manner, and* to ensure that removal or blocking decisions are *legal,* accurate, well-founded, *protect users* and respect fundamental rights; *highlights that persons who systematically and repeatedly submit wrongful or abusive notices should be sanctioned;* recalls that *besides counter-notice procedures and out-of-court dispute settlements by platforms in accordance with the internal complaints system,* the possibility of *effective* judicial redress should *remain* available to satisfy the right to effective remedy;

COMP 16 on par. 13 covers AMs 98 (Renew) 172 (GUE), 174 (GUE), 175 (Greens), 176 (EPP), 177 (ECR), 178 (S&D), 179 (Renew), IMCO (3), CULT (15) - agreed on political level; if adopted, AM 173 (Child Intergroup) falls;

13. Supports *the preservation of the current framework on the* limited liability for content and the country of origin principle, but considers improved coordination for removal requests between national competent authorities to be essential, *underlines that illegal content should be removed where it is hosted*; emphasises that such *requests* should be subject to legal safeguards in order to prevent abuse and ensure full respect of fundamental rights; *highlights that removal requests from competent authorities should be specific and clearly state the legal basis for removal*; stresses that *an effective oversight and enforcement mechanism, including proportionate sanctions taking into account their technical and operational capacities*, should apply to those service providers that fail to comply with *lawful* orders;

13b. Reminds that digital service providers must not be legally required to retain personal data of their users or subscribers for law enforcement purposes unless a targeted retention is ordered by an independent competent authority in full respect of Union law and ECJ jurisprudence; further reminds that such a retention should, with respect to the categories of data to be retained, the means of communication affected, the persons concerned and the retention period adopted, be limited to what is strictly necessary;

COMP 17 on par. 14 covers AMs 188 (GUE), 189 (EPP), 190 (EPP), 192 (S&D) - agreed on political level; if adopted, AMs 187 (Greens) and 191 (GUE) fall

14. Believes *that in order to protect fundamental rights, the Digital Services Act should introduce rules aiming to ensure that the terms of service* of digital service providers *are* clear, transparent, *fair and made available in an easy and accessible manner to users*; deplors the fact that the terms of service *of some content platforms force law enforcement officers to use personal accounts to investigate certain complaints, which poses a threat both to these investigations and to personal safety, calls for a more efficient coordination between Member States regarding the follow up of law enforcement on flagged illegal content; recalls that take-down-orders from independent competent authorities have to always be based on law, not on the terms of service of the service providers;*

COMP 18 on par. 15 and 15 a-b (new) covers AMs 195 (S&D), 196 (GUE), 197 (EPP), 198 (EPP), 199 (Greens), 258 (GUE), 259 (EPP), 260 (RE), 262 (EPP), 263 (GUE), IMCO (7), CULT (4) - agreed on political level: if adopted, AM 200 (RE) and 203 (EPP) fall

15. calls on the Commission to ensure that users have access to diverse and quality content online as a means towards an informed citizenship; expects the Digital Services Act to ensure that quality media content is easy to access and easy to find on third-party platforms and that removals of content are in line with human rights standards and limited to content which is manifestly illegal or has been found illegal by an independent competent authority; stresses that legal content should not be subject to any legal removal or blocking obligations;

15a(new). Supports a greater dialogue between Member States, competent authorities and relevant stakeholders with the aim of developing, evaluating and improving the soft law approaches, like the EU-wide Code of Practice on Disinformation, in order to further address categories of legal content, including disinformation; expects the Commission to issue guidelines including increased transparency rules on content moderation and advertising policy in a specific instrument accompanying the Digital Services Act to ensure that the removal and the blocking of legal content based on terms and conditions are limited to the absolute minimum; calls further on the Commission to establish a framework that prohibits platforms from exercising a second layer of control over content that is provided under a media service provider's responsibility and which is subject to specific standards and oversight;

15b(new). emphasises moreover that users should be given more choice and control with regard to the content that they see, including more options on the way content is ranked to them and the possibility to opt-out from any content curation; strongly believes that the design and performance of recommendation systems should be user-friendly and subject to full transparency;

COMP 19 on par. 16 covers AMs 212 (Renew), 213 (Greens), 214 (EPP) - agreed on political level, if adopted, AM 211 (S&D) falls

16. Deems that accountability, **both in the private and public sector**, and evidence-based policy making **require robust data on the incidence and the tackling of illegal activity and the removal of illegal content online, as well as robust data on the content curation algorithms of online platforms;**

COMP 20 on par. 17 covers AMs 215 (EPP), 216 (GUE), 217 (ECR), 219 (Greens), 220 (S&D) - agreed on political level; if adopted, AM 218 (Child intergroup) falls

17. Calls, in this regard, for an **annual, comprehensive and consistent** public reporting obligation for platforms, proportionate to their scale of reach and operational capacities, **more specifically on their content moderation procedures, including information on adopted measures against illegal activities online and standardised data about the amount of content removed and the underlying legal reasons and bases, the type and justification of removal requests received, the number of requests whose execution was refused and the reasons therefore; stresses that such reports, covering actions taken in a given year, should be submitted by the end of the first quarter of the following year;**

COMP 21 on par. 18 covers AMs 221 (EPP), 222 (GUE), 223 (Greens), 224 (S&D), 225 (ECR), 238 (Greens) - agreed on political level

18. Calls, moreover, for an **annual** public reporting obligation for national authorities, **including standardised data on the number of removal requests and their legal bases, on the number of removal requests which were subject to administrative or judicial remedies, on the outcome of these proceedings, with a mention of outcomes indicating content or activities wrongly identified as illegal, and on the total number of decisions imposing penalties, including a description of the type of penalty imposed;**

COMP 22 on par. 19 covers AMs 226 (S&D), 227 (Greens) - agreed on political level

19. Expresses its concern regarding the fragmentation and the *documented* lack of financial and human resources *for the supervision and* oversight bodies; calls for increased cooperation between Member States with regard to regulatory oversight of digital services;

COMP 23 on par. 20, 21 and 22 covers AMs 228 (S&D), 231 (Renew), 232 (Renew), 233 (EPP), 234 (Greens), 235 (GUE), 236 (S&D), 237 (ECR), 239 (GUE), 240 (Renew), 241 (Renew), AM 229 (ECR) & 230 (S&D): deletion of 10 (oversight structure), 242 (RE) & 243 (S&D) & 244 (Greens), 245 (EPP), 246 (ECR), 247 (GUE), 248 (GUE), 251 (Greens), CULT (7), CULT (10), CULT (23) - agreed on political level

20. *Considers that in order to guarantee proper enforcement of the Digital Services Act, the oversight of compliance with procedures, procedural safeguards and transparency obligations laid down in this Act should be harmonised within the Digital Single Market; supports, in this regard, a strong and rigorous enforcement by an independent EU oversight structure which should be competent to impose fines based on an assessment of a clearly defined set of factors, such as proportionality, technical and organisational measures, and negligence; believes that this should include the possibility for fines to be based on a percentage of the annual global turnover of the company;*

21. *Stresses that audits of digital service providers' internal policies and algorithms should be made with due regard to Union law, in particular to the fundamental rights of the services' users, taking into account the importance of non-discrimination and the freedom of expression and information in an open and democratic society, and without publishing commercially sensitive data; urges for the need to assess, upon complaint or upon initiative of the oversight bodies, whether and how digital service providers amplify content, for example through recommendation engines and optimisation features such as autocomplete and trending;*

22. *Considers that the transparency reports drawn up by platforms and national competent authorities should be made publicly available and analysed for structural trends in removal, detection and blocking on an EU level;*

COMP 24 on par. 23 covers AMs 184 (Renew), 253 (Child Intergroup), 254 (GUE), 255 (Greens) - agreed on political level

23. Underlines the importance of empowering users to enforce their own fundamental rights online, including by means of easily accessible, *impartial, transparent, efficient and free* complaint procedures, *reporting mechanisms for illegal content and criminal behaviour for individuals and companies*, legal remedies, educational measures and awareness-raising on data protection issues and *child online safety*;

LIST of AMS not included or not mentioned to fall in COMP AMS:

3
7/8 (identical)
11
12
13
15
16
17
52
53/54 (identical)
71
72
79
110
132
186
208
252 (Withdrawn)
257
IMCO 10