

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (Text with EEA relevance)
2020/0361(COD)
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	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
Formula				
1	2020/0361 (COD)	2020/0361 (COD)	2020/0361 (COD)	2020/0361 (COD)
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (Text with EEA relevance)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				

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4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	[Having regard to the opinion of the Committee of the Regions ¹ ,] 1. OJ C , , p. .	

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Citation 6				
9	Having regard to the opinion of the European Data Protection Supervisor ¹ , 1. OJ C, p.	Having regard to the opinion of the European Data Protection Supervisor ¹ , 1. OJ C, p.	Having regard to the opinion of the European Data Protection Supervisor¹, 1. OJ C, p.	
Citation 7				
10	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
11	Whereas:	Whereas:	Whereas:	
Recital 1				
12	(1) Information society services and especially intermediary services have become an important part of the Union's economy and daily life of Union citizens. Twenty years after the adoption of the existing legal framework applicable to such services laid down in Directive 2000/31/EC of the European Parliament and of the Council ¹ , new and innovative business models and services, such as online social networks and marketplaces, have	(1) Information society services and especially intermediary services have become an important part of the Union's economy and daily life of Union citizens. Twenty years after the adoption of the existing legal framework applicable to such services laid down in Directive 2000/31/EC of the European Parliament and of the Council ¹ , new and innovative business models and services, such as online social networks and marketplaces, have	(1) Information society services and especially intermediary services have become an important part of the Union's economy and daily life of Union citizens. Twenty years after the adoption of the existing legal framework applicable to such services laid down in Directive 2000/31/EC of the European Parliament and of the Council ¹ , new and innovative business models and services, such as online social networks and marketplaces, have	

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	<p>allowed business users and consumers to impart and access information and engage in transactions in novel ways. A majority of Union citizens now uses those services on a daily basis. However, the digital transformation and increased use of those services has also resulted in new risks and challenges, both for individual users and for society as a whole.</p> <p>1. 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).</p>	<p>allowed business users and consumers to impart and access information and engage in transactions in novel <u>and innovative ways, transforming their communication, consumption and business habits</u>ways. A majority of Union citizens now uses those services on a daily basis. However, the digital transformation and increased use of those services has also resulted in new risks and challenges, both for individual users, <u>companies</u> and for society as a whole.</p> <p>1. 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).</p>	<p>allowed business users and consumers to impart and access information and engage in transactions in novel ways. A majority of Union citizens now uses those services on a daily basis. However, the digital transformation and increased use of those services has also resulted in new risks and challenges, both for individual usersrecipients of the service and for society as a whole.</p> <p>1. 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).</p>	
Recital 2				
13	<p>(2) Member States are increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which,</p>	<p>(2) Member States are increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services, <u>and resulting in a fragmentation of the internal market</u>. Those diverging national</p>	<p>(2) Member States are increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which,</p>	

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	pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice.	laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice, <u>without lock-in effects, and reducing administrative burden for intermediary services, especially for micro, small and medium sized enterprises.</u>	pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice. Both business users, consumers and other users can be "recipients of the service" for the purpose of this Regulation.	
Recital 3				
14	(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	(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, <u>accessible</u> , predictable and trusted online environment and for allowing Union citizens and other persons to exercise their	(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	

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	guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the freedom of expression and information and the freedom to conduct a business, and the right to non-discrimination.	fundamental rights <u>and freedoms</u> guaranteed in the Charter of Fundamental Rights of the European Union ('Charter'), in particular the <u>rights to privacy, to protection of personal data, respect for human dignity, private and family life, the freedom of expression and information, the freedom and the pluralism of the media,</u> and the freedom to conduct a business, <u>a high level of consumer protection, the equality between women and men</u> and the right to non-discrimination. <u>Children have particular rights enshrined in Article 24 of the Charter and in the United Nations Convention on the Rights of the Child (UNCRC). As such, the best interests of the child should be a primary consideration in all matters affecting them. The UNCRC General comment No 25 on children's rights in relation to the digital environment formally sets out how these rights apply to the digital world.</u>	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.	
Recital 4				
15	(4) Therefore, in order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate	(4) Therefore, In order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate	(4) Therefore, in order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate	

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	mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary in order to avoid and put an end to fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers and fostering interoperability. By using requirements that are technology neutral, innovation should not be hampered but instead be stimulated.	mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary in order to avoid and put an end to fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers, <u>protecting consumers</u> and fostering interoperability. By using requirements that are technology neutral, innovation should not be hampered but instead be stimulated, <u>while respecting fundamental rights</u> .	mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary in order to avoid and put an end to fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers and fostering interoperability. By using requirements that are technology neutral, innovation should not be hampered but instead be stimulated.	
Recital 4a				
15a		<u>(4a) Given the importance of digital services, it is essential that this Regulation ensures a regulatory framework which ensures full, equal and unrestricted access to intermediary services for all recipients of services, including persons with disabilities. Therefore, it is important that accessibility requirements for intermediary</u>		

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		<u><i>services, including their user interfaces, are consistent with existing Union law, such as the European Accessibility Act and the Web Accessibility Directive and that Union law is further developed, so that no one is left behind as result of digital innovation.</i></u>		
Recital 5				
16	(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council ¹ , that is, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of unlawful or otherwise harmful	(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council ¹ , that is, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of unlawful or otherwise harmful	(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council ¹ , that is, any service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’, ‘online search engine’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of unlawful or otherwise harmful	

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	<p>information and activities.</p> <p>1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</p>	<p>information and activities.</p> <p>1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</p>	<p>information and activities.</p> <p>1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</p>	
Recital 6				
17	<p>(6) In practice, certain providers of intermediary services intermediate in relation to services that may or may not be provided by electronic means, such as remote information technology services, transport, accommodation or delivery services. This Regulation should apply only to intermediary services and not affect requirements set out in Union or national law relating to products or services intermediated through intermediary services, including in situations where the intermediary service constitutes an integral part of another service which is not an intermediary service as specified in the case law of the Court of Justice of the European Union.</p>	<p>(6) In practice, certain providers of intermediary services intermediate in relation to services that may or may not be provided by electronic means, such as remote information technology services, transport <u>of persons and goods</u>, accommodation or delivery services. This Regulation should apply only to intermediary services and not affect requirements set out in Union or national law relating to products or services intermediated through intermediary services, including in situations where the intermediary service constitutes an integral part of another service which is not an intermediary service as specified in the case law of the Court of Justice of the European Union.</p>	<p>(6) In practice, certain providers of intermediary services intermediate in relation to services that may or may not be provided by electronic means, such as remote information technology services, transport, accommodation or delivery services. This Regulation should apply only to intermediary services and not affect requirements set out in Union or national law relating to products or services intermediated through intermediary services, including. This Regulation should not apply in situations where the intermediary service constitutes an integral part of anotherintermediation is indispensable to the provision of the intermediated service and the service which is not an intermediaryprovider exercises decisive influence over the conditions under which the</p>	

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			intermediated service is provided , as specified in the case law of the Court of Justice of the European Union.	
Recital 7				
18	(7) In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to providers of intermediary services irrespective of their place of establishment or residence, in so far as they provide services in the Union, as evidenced by a substantial connection to the Union.	(7) In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to providers of intermediary services irrespective of their place of establishment or residence, in so far as they provide services in the Union, as evidenced by a substantial connection to the Union.	(7) In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to providers of intermediary services irrespective of their place of establishment or residence location , in so far as they provide offer services in the Union, as evidenced by a substantial connection to the Union.	
Recital 8				
19	(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, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be	(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, or the targeting directing of activities towards one or more Member States. The targeting directing of activities towards one or more Member States	(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 recipients of the service in one or more Member States in relation to their population , or the targeting of activities towards one or more Member States. The targeting of	

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	<p>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 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 Council¹. On the other hand, mere 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>¹. 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</p>	<p>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 targetingdirecting 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) 1215/2012No 1215/2012 of the European Parliament and of the Council¹. On the other hand, mere 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>¹. 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</p>	<p>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 nationalthe use of a relevant 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 StateStates as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council¹. On the other hand, mere 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>¹. Regulation (EU) No 1215/2012 of the</p>	

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	civil and commercial matters (OJ L351, 20.12.2012, p.1).	civil and commercial matters (OJ L351, 20.12.2012, p.1).	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).	
Recital 8a				
19a			(8a) The place at which a service provider is established in the Union should be determined in compliance with Union law as interpreted by the Court of Justice of the European Union according to which the concept of establishment involves the actual pursuit of an economic activity through a fixed establishment for an indefinite period. This requirement is also fulfilled where a company is constituted for a given period. The place of establishment of a company offering services via a website is not the place at which the technology supporting its website is located or the place at which its website is accessible but the place where it pursues its economic activity. In cases where a provider has several places of establishment it is important to determine from which place of establishment the service concerned is offered. In cases where it is difficult to	

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			determine from which of several places of establishment a given service is offered, this is the place where the provider has the centre of his activities relating to this particular service.	
Recital 9				
20	(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended, ¹ and Regulation (EU) .../.. of the European Parliament and of the Council ² – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered lex specialis in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well	(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended, ¹ and Regulation (EU) .../.. 2021/784 of the European Parliament and of the Council ² — proposed Terrorist Content Online Regulation . Therefore, this Regulation leaves those other acts, which are to be considered lex specialis in relation to the generally applicable framework set out in this Regulation, unaffected. However, the rules of this Regulation should apply in respect of issues that are not or not fully addressed by those other acts as	(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended,¹ and Regulation (EU) .../.. of the European Parliament and of the Council²—proposed Terrorist Content Online fully harmonises the rules applicable to intermediary services in the internal market with the objective to ensure a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected. Accordingly, Member States should not adopt or maintain	

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	<p>as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.</p> <p>1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .</p> <p>2. Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation</p>	<p>well as issues on which those other acts leave Member States the possibility of adopting certain measures. <u>To assist Member States and service providers, the Commission should provide guidelines as to how to interpret the interaction and complementary nature between different Union legal acts and this Regulation and how to prevent any duplication of requirements on providers or potential conflicts in the interpretation of similar requirements. In particular, the guidelines should clarify any potential conflicts between the conditions and obligations laid down in legal acts, referred to in this Regulation, explaining which legal act should prevail</u> at national level.</p> <p>1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 .</p> <p>2. Regulation (EU) ... <u>2021/784</u> of the European Parliament and of the Council proposed <u>of 29 April 2021 on addressing the dissemination of terrorist content online Regulation</u> <u>(OJ L 172, 17.5.2021, p. 79).</u></p>	<p>additional national requirements on those matters falling within the scope of this Regulation, unless explicitly provided for in this Regulation. Therefore, this Regulation leaves those other acts, which are to be considered lex specialis in relation, since this would affect the direct and uniform application of the fully harmonised rules applicable to the generally applicable framework set out in this Regulation, unaffected. However, the rules providers of intermediary services in accordance with the objectives of this Regulation. This does not preclude the possibility to apply other national legislation applicable to providers of intermediary services in accordance with Union law, including Directive 2000/31/EC, in particular its Article 3, which pursue other legitimate public interest objectives apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.</p> <p>1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March</p>	

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			2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1. 2. Regulation (EU) .../.. of the European Parliament and of the Council — proposed Terrorist Content Online Regulation	
Recital 9a				
20a		<u>(9a) In line with Article 167(4) of the Treaty on the Functioning of the European Union, cultural aspects should be taken into account, in particular in order to respect and to promote the cultural and linguistic diversity. It is essential that this Regulation contributes to protect the freedom of expression and information, media freedom and to foster media pluralism as well as cultural and linguistic diversity.</u>		
Recital 10				
21	(10) For reasons of clarity, it should also be specified that this Regulation is without prejudice to Regulation (EU) 2019/1148 of the European Parliament and of the Council ¹ and Regulation (EU) 2019/1150 of the	(10) For reasons of clarity, it should also be specified that this Regulation is without prejudice to Regulation (EU) 2019/1148 of the European Parliament and of the Council ¹ and Regulation (EU) 2019/1150 of the	(10) For reasons of clarity, it should also be specified that this This Regulation should be without prejudice to other acts of Union law regulating the provision of information society services in	

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	<p>European Parliament and of the Council,² Directive 2002/58/EC of the European Parliament and of the Council³ and Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC⁴ as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council⁵, Directive 2011/83/EU of the European Parliament and of the Council⁶ and Directive 93/13/EEC of the European Parliament and of the Council⁷, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council⁸, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.⁹ The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union law on working conditions.</p> <p>1. Regulation (EU) 2019/1148 of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Regulation (EC) No</p>	<p>European Parliament and of the Council,² Directive 2002/58/EC of the European Parliament and of the Council³ and Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC⁴, Directive (EU) 2018/1972 of the European Parliament and of the Council⁵, as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council⁶, Directive 2011/83/EU of the European Parliament and of the Council⁷ and Directive 93/13/EEC of the European Parliament and of the Council⁸, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council⁹, Directive (EU) 2019/882 of the European Parliament and of the Council, Regulation (EU) 2019/1020, Directive 2001/95/EC, Directive 2013/11/EU of the European Parliament and of the Council, Regulation (EU) 2017/2394¹⁰, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.¹¹ The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular</p>	<p>general, other aspects of the provision of intermediary services in the internal market or specifying and complementing the harmonised rules set out in this Regulation such as Directive 2010/13/EU of the European Parliament and of the Council, including the specific objectives set out in that Directive as regards video-sharing platforms,¹ Regulation is without prejudice to (EU) 2021/784 of the European Parliament and of the Council², Regulation (EU) 2019/1148 of the European Parliament and of the Council³, Regulation (EU)/.... [on European Production and Preservation Orders for electronic evidence in criminal matters]; Directive (EU)/.... [laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings] and Regulation (EU) 2019/1150 of the European Parliament and of the Council,²⁴ Directive 2002/58/EC of the European Parliament and of the Council³⁵ and Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC⁴ as well as (EU) 2021/1232 of the European Parliament and of the</p>	

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	<p>1907/2006 and repealing Regulation (EU) No 98/2013 (OJ L 186, 11.7.2019, p. 1).</p> <p>2. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).</p> <p>3. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37.</p> <p>4. Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC.</p> <p>5. 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 and of the Council ('Unfair Commercial Practices Directive')</p> <p>6. 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>7. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.</p> <p>8. Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive</p>	<p>Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union <u>or national</u> law on working conditions.</p> <p>1. Regulation (EU) 2019/1148 of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (OJ L 186, 11.7.2019, p. 1).</p> <p>2. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).</p> <p>3. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37.</p> <p>4. Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC.</p> <p>5. Directive 2005/29/EC <u>(EU) 2018/1972</u> 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 <u>December 2018 establishing</u> the European Parliament and of the Council ('Unfair Commercial Practices Directive') <u>Electronic Communications Code (Recast)</u></p>	<p>Council⁶. Similarly, for reasons of clarity, it should also be specified that this Regulation is without prejudice to Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council⁵⁷, Directive 2011/83/EU of the European Parliament and of the Council⁶⁸ and Directive 93/13/EEC of the European Parliament and of the Council⁷, as amended by Directive (EU) 2019/2161⁹, on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council⁸, and on the protection of personal data¹⁰, and Regulation (EU) 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^{11, 12}. This Regulation is, therefore, without prejudice to Union rules on private international law, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council rules regarding jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and rules on the law applicable to contractual and non-contractual</p>	

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	<p>93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules</p> <p>9. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</p>	<p>6. Directive 2011/83/EU<u>2005/29/EC</u> of the European Parliament and of the Council of 25 October 2011 on consumer rights,<u>11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and</u> amending Council Directive 93/13/EEC and Directive 1999/44/EC<u>84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC</u> of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC<u>Regulation (EC) No 2006/2004</u> of the European Parliament and of the Council- <u>(‘Unfair Commercial Practices Directive’)</u></p> <p>7. <u>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 of 5 April 1993 on unfair terms in consumer contracts.</u></p> <p>8. Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union of 5 April 1993 on unfair terms in consumer protection rules contracts.</p> <p>9. Regulation (EU) 2016/679<u>Directive (EU) 2019/2161</u> of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data<u>November 2019 amending Council Directive</u></p>	<p>obligations.⁹ The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union law on working conditions and the rules of Union law in the field of judicial cooperation in civil and criminal matters. However, to the extent that these rules pursue the same objectives laid down in this Regulation, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.</p> <p>1. Regulation (EU) 2019/1148 Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the marketing and use of explosives precursors, amending coordination of certain provisions laid down by law, regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (OJ L 186, 11.7.2019) or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ((Text with EEA relevance), OJ L 95, 15.4.2010, p. 1) .</p>	

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		<p><u>93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection Regulation) (OJ L 119, 4.5.2016, p. 1): rules</u></p> <p><u>10. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004</u></p> <p><u>11. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</u></p>	<p>2. Regulation (EU) 2019/1150 2021.../784.. of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of of 29 April 2021 on addressing the dissemination of the Terrorist Content Online– proposed Terrorist Content Online Regulation (OJ L 172, 17.5.2021, p. 79 intermediation services (OJ L 186, 11.7.2019, p. 57).</p> <p>3. Directive 2002/58/EC Regulation (EU) 2019/1148 of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU), OJ L 201, 31.7.2002, p. 37 No 98/2013 (OJ L 186, 11.7.2019, p. 1).</p> <p>4. Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).</p> <p>5. Directive 2005/29/EC 2002/58/EC of the European Parliament and of the Council of 11 May 2005 12 July 2002 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 and of the Council ('Unfair Commercial Practices Directive') the processing of personal data and the protection of privacy in the electronic</p>	

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			<p>communications sector (Directive on privacy and electronic communications) (, OJ L 201, 31.7.2002, p. 37).</p> <p>6. Directive 2011/83/EU Regulation (EU) [.../...] 2021/1232 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 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41) [.../...] on temporary derogation from certain provisions of Directive 2002/58/EC..</p> <p>7. Council Directive 93/13/EEC of 5 April 1993 on 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair terms in consumer contracts 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 and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22).</p> <p>8. Directive (EU) 2019/2164 2011/83/EU of the European Parliament and of the Council of 27 November 2019 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directives</p>	

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			<p>98/6/EC, 2005/29/EC and 2011/83/EU Directive 1999/44/EC of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).</p> <p>9. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1) Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29) as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council.</p> <p>10. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</p> <p>11. Regulation (EU) 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 L 351, 20.12.2012, p. 1–32).</p> <p>12. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing</p>	

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			Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	
Recital 11				
22	(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, which establish specific rules and procedures that should remain unaffected.	(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, <u>in particular Directive (EU) 2019/790 of the European Parliament and of the Council</u> , which establish specific rules and procedures that should remain unaffected.	(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, which establish including Directive 2001/29/EC, Directive 2004/48/EC and Directive 2019/790/EU; in particular this Regulation is without prejudice to the specific rules and procedures that should remain unaffected governing the liability of providers of intermediary services set in those Directives.	
Recital 12				
23	(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	(12) In order to achieve the objective of ensuring a safe, <u>accessible</u> , 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 of "illegal content" should</u> be defined broadly and also covers <u>appropriately and should</u>	(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 underpin the general idea that what is illegal offline should also be illegal online. The concept should be defined broadly and also covers to cover information relating to illegal	

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	<p>its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-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><u>cover</u> 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 <u>Union or national</u> law is either itself illegal, such as illegal hate speech, or terrorist content and unlawful discriminatory content, or that relates <u>is not in compliance with Union law since it refers</u> 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, <u>illegal trading of animals, plants and substances</u>, the non-authorised use of copyright protected material or activities involving infringements of consumer protection law, <u>the provision of illegal services in particular in the area of accommodation services on short-term rental platforms non-compliant with Union or national law</u>. 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 <u>in conformity</u> with Union law, <u>including the Charter</u> and what the precise nature or</p>	<p>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. Illustrative examples include 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 sale of products or the provision of services in infringement of consumer protection law, the non-authorised use of copyright protected material, the illegal offer of accommodation services or illegal sale of live animals 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 in compliance with Union law and what the precise nature or subject matter is of the law in question.</p>	

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		subject matter is of the law in question.		
Recital 13				
24	(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	(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/or a purely ancillary feature of another service <u>or functionality of the principal service</u> and that feature <u>or functionality</u> cannot, for objective	(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 that is intrinsically linked to another service and that feature cannot, for objective technical reasons, be used without that other,	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	<p>of that feature is not a means to circumvent the applicability of the 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.</p>	<p>technical reasons, be used without that other, principal service, and the integration of that feature <u>or functionality</u> is not a means to circumvent the applicability of the 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. <u>For the purposes of this Regulation, cloud computing services should not be considered to be an online platform in cases where allowing the dissemination of specific content constitutes a minor or ancillary feature. Moreover, cloud computing services, when serving as infrastructure, for example, as the underlining infrastructural storage and computing services of an internet-based application or online platform, should not in itself be seen as disseminating to the public information stored or processed at the request of a recipient of an application or online platform which it hosts.</u></p>	<p>principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the hosting of a 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. 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 it is ancillary to publishing the posts of recipients of the service.</p>	
Recital 14				

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25	<p>(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,¹ such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the</p>	<p>(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the <u>Accordingly, where access to information requires registration or admittance to a group of users, that information disseminated in that manner is not</u> <u>should be considered to have been</u> disseminated to the public. However, the concept should exclude dissemination of only where <u>users seeking to access the</u> information within closed groups consisting of a finite number of pre-determined persons. <u>are automatically registered or admitted without a human decision on whom to grant access. Information exchanged using</u> interpersonal communication services, as defined in Directive (EU) 2018/1972 of the</p>	<p>(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to usersrecipients of the service in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the Accordingly, where access to information requires registration or admittance to a group of recipients of the service, that information disseminated in that manner is not should be considered to be disseminated to the public. However, the concept should exclude dissemination of only where recipients of the service seeking to access the information within closed groups consisting of a finite number of pre-determined persons are automatically registered or admitted without a human decision or selection of whom to grant access..</p>	

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	<p>service that provided the information.</p> <p>1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36</p>	<p>European Parliament and of the Council,¹ such as emails or private messaging services, fall outside the scope of this Regulation <u>are not considered to have been disseminated to the public</u>. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information.</p> <p>1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36</p>	<p>Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,¹ such as emails or private messaging services, fall outside the scope of the definition of online platforms as they are used for interpersonal communication between a finite number of persons which is determined by the sender of the communication. However, the obligations set out in this Regulation for providers of online platforms may apply to services that allow the making available of information to a potentially unlimited number of recipients, not determined by the sender of the communication, such as through public groups or open channels. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. Consequently, providers of services, such as cloud infrastructure, which are provided at the request of parties other than the content providers and only indirectly benefit the latter, should not be covered by the definition of online platforms.</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36).	
Recital 15				
26	(15) Where some of the services provided by a provider are covered by this Regulation whilst others are not, or where the services provided by a provider are covered by different sections of this Regulation, the relevant provisions of this Regulation should apply only in respect of those services that fall within their scope.	(15) Where some of the services provided by a provider are covered by this Regulation whilst others are not, or where the services provided by a provider are covered by different sections of this Regulation, the relevant provisions of this Regulation should apply only in respect of those services that fall within their scope.	(15) Where some of the services provided offered by a provider are covered by this Regulation whilst others are not, or where the services provided offered by a provider are covered by different sections of this Regulation, the relevant provisions of this Regulation should apply only in respect of those services that fall within their scope.	
Recital 16				
27	(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing and applying the relevant rules at	(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing and applying the relevant rules at	(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing and applying the relevant rules at	

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	national level, and for reasons of clarity and coherence, that framework should be incorporated in this Regulation. It is also necessary to clarify certain elements of that framework, having regard to case law of the Court of Justice of the European Union.	national level, and for reasons of clarity, <u>consistency, predictability, accessibility</u> and coherence, that framework should be incorporated in this Regulation. It is also necessary to clarify certain elements of that framework, having regard to case law of the Court of Justice of the European Union, <u>as well as technological and market developments</u> .	national level, and for reasons of clarity and coherence, that framework should be incorporated in this Regulation. It is also necessary to clarify certain elements of that framework, having regard to case law of the Court of Justice of the European Union.	
Recital 17				
28	(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.	(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.	(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.	

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Recital 18				
29	(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.	(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. <u>The mere ranking or displaying in an order, or the use of a recommender system should not, however, be deemed as having control over an information.</u> Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.	(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of the intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.	
Recital 19				
30	(19) In view of the different nature of the activities of ‘mere conduit’, ‘caching’ and ‘hosting’ and the different position and abilities of the	(19) In view of the different nature of the activities of ‘mere conduit’, ‘caching’ and ‘hosting’ and the different position and abilities of the	(19) In view of the different nature of the activities of ‘mere conduit’, ‘caching’ and ‘hosting’ and the different position and abilities of the	

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	providers of the services in question, it is necessary to distinguish the rules applicable to those activities, in so far as under this Regulation they are subject to different requirements and conditions and their scope differs, as interpreted by the Court of Justice of the European Union.	providers of the services in question, it is necessary to distinguish the rules applicable to those activities, in so far as under this Regulation they are subject to different requirements and conditions and their scope differs, as interpreted by the Court of Justice of the European Union.	providers of the services in question, it is necessary to distinguish the rules applicable to those activities, in so far as under this Regulation they are subject to different requirements and conditions and their scope differs, as interpreted by the Court of Justice of the European Union.	
Recital 20				
31	(20) A provider of intermediary services that deliberately collaborates with a recipient of the services in order to undertake illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.	(20) <u>Where</u> a provider of intermediary services that deliberately collaborates with a recipient of the services in order to undertake illegal activities, <u>the service should be deemed not to have been provided</u> does not provide its service neutrally and <u>the provider</u> should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.	(20) A provider of intermediary services that deliberately collaborates with a recipient of the services in order to undertake illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation. This is the case, for instance, where it offers its service with the main purpose of facilitating illegal activities, for example by making explicit its purpose to facilitate criminal activities and that its services are suited for that purpose. The fact alone that a service offers encrypted transmissions or any other system that makes the identification of the user impossible should not in itself qualify as deliberate collaboration.	

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Recital 21				
32	(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with the information transmitted. This requires, among other things, that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.	(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with <u>in the content of</u> the information transmitted. This requires, among other things, that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature, which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.	(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with the information transmitted. This requires, among other things, that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as such long as these manipulations do not alter the integrity of the information transmitted.	
Recital 22				
33	(22) In order to benefit from the exemption from 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. 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	(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal <u>after having become aware of the illegal nature of the</u> content <u>and thus obtaining actual knowledge or awareness</u> , act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of <u>a high level of consumer protection</u>	(22) In order to benefit from the exemption from 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. The removal or disabling of access should be undertaken in the observance of the principle of right to freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, inter alia,	

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	<p>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><u>and of the Charter of Fundamental Rights, including the principle of freedom of expression and the right to receive and impart information and ideas without interference by public authority.</u> The provider can obtain such actual knowledge or awareness <u>of the illegal nature of the content</u> 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 <u>hosting service provider</u> to reasonably identify, assess and where appropriate act against the allegedly illegal content. <u>As long as providers act upon obtaining actual knowledge, they should benefit from the exemptions from liability referred to in this Regulation.</u></p>	<p>through 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. However, such actual knowledge cannot be considered to be obtained solely on the ground that that provider is aware, in a general sense, of the fact that its service is also used to share illegal content and that it therefore has an abstract knowledge that such content is being made available illegally through its service. Furthermore, the fact that an provider automatically indexes content uploaded to its service, that it has a search function and that it recommends content on the basis of the profiles or preferences of the recipients of the service is not a sufficient ground for the conclusion that that provider has ‘specific’ knowledge of illegal activities carried out on that platform or of illegal content stored on it.</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
Recital 22a				
33a			(22a) The exemption of liability should not apply where the recipient of the service is acting under the authority or the control of the provider of a hosting service. For example, where the provider of the online marketplace determines the price of the goods or services offered by the trader, it could be considered that the trader acts under the authority or control of that online marketplace.	
Recital 23				
34	(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	(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	(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 marketplaces , 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 marketplaces present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was	

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	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 on the side of an average and reasonably well-informed consumer.	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 on the side of an average and reasonably well-informed consumer <u>a consumer. Such a belief may arise, for example, where the online platform allowing distance contracts with traders fails to display clearly the identity of the trader pursuant to this Regulation, or is marketing the product or service in its own name rather than using the name of the trader who will supply it, or where the provider determines the final price of the goods or services offered by the trader.</u>	provided by those online platforms marketplaces themselves or by recipients of the service acting under their authority or control, and that those online platforms marketplaces thus have knowledge of or control over the information, even if that may in reality not be the case. This could be, for example, the case where the online marketplace fails to display clearly the identity of the trader pursuant to this Regulation, where the online marketplace withholds such identity or contact details until after the conclusion of the trader-consumer contract, or is marketing the product or service in its own name rather than using the name of the trader who will supply it. In that regard, is it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average consumer who is reasonably well informed and reasonably well-informed consumer observant and circumspect.	
Recital 24				
35	(24) The exemptions from liability	(24) The exemptions from liability	(24) The exemptions from liability	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	established in this Regulation should not affect the possibility of injunctions of different kinds against providers of intermediary services, even where they meet the conditions set out as part of those exemptions. Such injunctions could, in particular, consist of orders by courts or administrative authorities requiring the termination or prevention of any infringement, including the removal of illegal content specified in such orders, issued in compliance with Union law, or the disabling of access to it.	established in this Regulation should not affect the possibility of injunctions of different kinds against providers of intermediary services, even where they meet the conditions set out as part of those exemptions. Such injunctions could, in particular, consist of orders by courts or administrative authorities requiring the termination or prevention of any infringement, including the removal of illegal content specified in such orders, issued in compliance with Union law, or the disabling of access to it.	established in this Regulation should not affect the possibility of injunctions of different kinds against providers of intermediary services, even where they meet the conditions set out as part of those exemptions. Such injunctions could, in particular, consist of orders by courts or administrative authorities requiring the termination or prevention of any infringement, including the removal of illegal content specified in such orders, issued in compliance with Union law, or the disabling of access to it.	
Recital 25				
36	(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify that the mere fact that those	(25) In order to create legal certainty and not to discourage activities aimed at detecting, identifying and acting against illegal content that providers of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, <u>solely because they are carrying out voluntary own-initiative investigations</u> , provided those activities are carried out in good faith and in a diligent	(25) In order to create legal certainty and not to discourage to encourage activities aimed at detecting, identifying and acting against illegal content that providers of all categories of intermediary services may undertake on a voluntary basis, it should be clarified that the mere fact that providers undertake such activities does not lead to the unavailability of the exemptions from liability set out in this Regulation, provided those activities are carried out in good faith and in a diligent manner. In addition, it is appropriate to clarify	

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	<p>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>manner <u>and are accompanied with additional safeguards against over-removal of legal content. Providers of intermediary services should make best efforts to ensure that where automated tools are used for content moderation, the technology is sufficiently reliable to limit to the maximum extent possible the rate of errors where information is wrongly considered as illegal content.</u> 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>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 offers 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>Voluntary actions should not be used to circumvent the obligations of all providers of intermediary services under this Regulation.</p>	

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Recital 26				
37	<p>(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services</p>	<p>(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed <u>and open</u> online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services</p>	<p>(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services</p>	

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	providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the actor that has the technical and operational ability to act against specific items of illegal content, so as to prevent and minimise any possible negative effects for the availability and accessibility of information that is not illegal content.	providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the actor <u>specific provider</u> that has the technical and operational ability to act against specific items of illegal content, so as to prevent and minimise any possible negative effects for the availability and accessibility of information that is not illegal content. <u>Consequently providers should act where they are in the best place to do so.</u>	providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the actor specific provider that has the technical and operational ability to act against specific items of illegal content, so as to prevent and minimise any possible negative effects for on the availability and accessibility of information that is not illegal content.	
Recital 27				
38	(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere	(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere	(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere	

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	conduits', 'caching' or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top-level domain name registries, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as 'mere conduit', 'caching' or hosting service.	conduits', 'caching' or hosting services. Such services include, as the case may be <u>and among others</u> , wireless local area networks, domain name system (DNS) services, top-level domain name registries, certificate authorities that issue digital certificates, <u>Virtual Private Networks, cloud infrastructure services</u> , or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as 'mere conduit', 'caching' or hosting service.	conduits', 'caching' or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top-level domain name registries, registrars , certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as 'mere conduit', 'caching' or hosting service.	
Recital 27a				
38a		<u>(27a) A single webpage or website may include elements that qualify differently between 'mere conduit', 'caching' or hosting services and</u>	(27a) Intermediary services span a wide range of economic activities which take place online and that develop continually to provide for	

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		<u><i>the rules for exemptions from liability should apply to each accordingly. For example, a search engine could act solely as a 'caching' service as to information included in the results of an inquiry. Elements displayed alongside those results, such as online advertisements, would however still qualify as a hosting service.</i></u>	transmission of information that is swift, safe and secure, and to ensure convenience of all participants of the online ecosystem. For example, 'Mere conduit' intermediary services include generic categories of services such as internet exchange points, wireless access points, virtual private networks, domain name system (DNS) services and resolvers, top-level domain name registries, registrars, certificate authorities that issue digital certificates, voice over IP and other interpersonal communication services, while generic examples of 'caching' intermediary services include the sole provision of content delivery networks, reverse proxies or content adaptation proxies. Such services are crucial to ensure smooth and efficient transition of information delivered on the internet. The same applies to online search engines in view of their important role in locating information online. Examples of "hosting services" include categories of services such as cloud computing, web hosting, paid referencing services or services enabling sharing information and content online, including file	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			storage and sharing. Intermediary services may be provided in isolation, as a part of another type of intermediary service, or simultaneously with other intermediary services. Whether a specific service constitutes a mere conduit, caching, hosting or online search engine service depends solely on its technical functionalities, that might evolve in time, and should be assessed on a case-by-case basis.	
Recital 28				
39	(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.	(28) Providers of intermediary services should not be subject to a monitoring obligation, <u>neither de jure, nor de facto</u> with respect to obligations of a general nature. This does not concern <u>specific and properly identified</u> monitoring obligations in a specific case, <u>where set out in Union acts</u> and, in particular, does not affect orders by national authorities in accordance with national legislation <u>that implement Union legal acts</u> , in accordance with the conditions established in this Regulation <u>and other Union law considered as lex specialis</u> . Nothing in this Regulation should be construed as an imposition	(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. For instance, any monitoring obligation that requires the providers of intermediary services to perform a general search of all content in order to find any potential illegal content, or that puts excessive burdens or requires unreasonable or excessive resources and measures by the providers of intermediary services, should be considered a general monitoring obligation. This should not prevent This does not concern monitoring obligations in of a	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<p>of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content. <u>Equally, Member States should not prevent providers of intermediary services from providing end-to-end encrypted services. Applying effective end-to-end encryption to data is essential for trust in and security on the Internet, and effectively prevents unauthorised third party access. Furthermore, to ensure effective digital privacy, Member States should not impose a general obligation on providers of intermediary services to limit the anonymous use of their services. In accordance with the principle of data minimisation and in order to prevent unauthorised disclosure, identity theft and other forms of abuse of personal data, recipients should have the right to use and pay for services anonymously wherever reasonable efforts can make this possible. This should apply without prejudice to the obligations in Union law on the protection of personal data. Providers can enable anonymous use of their services by refraining from collecting personal data regarding the recipient and their</u></p>	<p>specific ease and, in particular, nature, provided that they meet the principles of proportionality and necessity, are in conformity with the conditions as set out by any relevant Union law, including the Charter, as interpreted by the Court of Justice of the European Union, and the illegality of the content in question has been established by a court or is manifest, insofar this does not compel the provider of an intermediary service to carry out an independent assessment of that specific content. The ban of general monitoring obligation does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Such orders should not consist in requiring a service provider to introduce, exclusively at its own expense, a screening system which entails general and permanent monitoring in order to prevent any future infringement. However, such orders may require a provider of hosting services to remove information which it stores, the content of which is identical or equivalent to the content of information which was previously declared to be</p>	

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		<u>online activities and by not preventing recipients from using anonymising networks for accessing the service. Anonymous payment can take place for example by paying in cash, by using cash-paid vouchers or prepaid payment instruments.</u>	unlawful, or to block access to that information, irrespective of who requested the storage of that information, provided that the monitoring of and search for the information concerned is limited to information properly identified in the order, such as the name of the person concerned by the infringement determined previously, the circumstances in which that infringement was determined and equivalent content to that which was declared to be illegal, and does not require the provider of hosting services to carry out an independent assessment of that content, as interpreted by the Court of Justice of the European Union. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or a general active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.	
Recital 29				
40	(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order	(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities may order	(29) Depending on the legal system of each Member State and the field of law at issue, national judicial or administrative authorities, including	

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	<p>providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.</p>	<p>providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws <u>in conformity with Union law, including the Charter</u> on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the <u>effective</u> processing of those orders.</p>	<p>law enforcement authorities, may order providers of intermediary services to act against certainone or more specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, in particular in a cross-border context, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders. This Regulation harmonises only certain specific minimum conditions that such orders should fulfil in order to make the obligation of providers to inform on the effect given to those orders, applicable in accordance with this Regulation. Therefore, this Regulation does not provide a legal basis for the issuing of such</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>orders nor for their territorial scope or cross-border enforcement. The applicable Union or national law on the basis of which those orders are issued, may require additional conditions and should also be the basis for the enforcement of the respective orders. In case of non-compliance with such orders, the issuing Member State should be able to enforce them in accordance with its national law. The applicable national laws should be in compliance with Union law, including the Charter and the Treaty provisions on the freedom of establishment and to provide services within the Union, in particular with regard to online gambling and betting services. The application of those national laws for the enforcement of the respective orders is without prejudice to applicable Union legal acts or international agreements concluded by the Union or by Member States relating to the cross-border recognition, execution and enforcement of those orders, in particular in civil and criminal matters. The requirements relating to the obligation to inform on the processing of those orders, which</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>are laid down in this Regulation, should be subject to the rules in Chapter IV. The provider of intermediary services should inform the issuing authority about the effect given to the orders without undue delay after executing the requested actions in compliance with the deadlines set out in the relevant Union or national law. If, in exceptional cases, the provider of intermediary services cannot comply with the order, such information should be accompanied by the reasons for not complying with the order, including the reasons why the conditions of the order have not been fulfilled or where applicable, objectively justifiable technical and operational reasons for non-execution and a request for further information and clarification. The requirements to provide information on redress available to the provider of the service and to the recipient of the service who provided the content, includes a requirement to provide information about administrative complaint handling mechanisms and judicial redress including appeals against orders issued by judicial authorities.</p>	

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Recital 30				
41	<p>(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should</p>	<p>(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, <u>including the Charter</u> <u>and</u> in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation] <u>2021/784 on</u> addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those</p>	<p>(30) Relevant national authorities should be able to issue such orders against content considered illegal or orders to provide information on the basis of Union or its national laws, in compliance with Union law, and address them to providers of intermediary services, including those which are established in another Member State. Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular the Charter. However, this should be without prejudice to Union law in the field of judicial cooperation in civil or criminal matters, including 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 and Regulation (EU) .../... on European production and preservation orders for electronic evidence in criminal matters, and to national criminal or civil procedural law. Therefore where those laws in the context of</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.	conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.	criminal or civil proceedings, provide for additional or incompatible conditions than those provided for this Regulation in relation to orders to act against illegal content or to provide information, the conditions provided for in this Regulation may not apply or may be adapted. In particular, the obligation on the Digital Services Coordinator from the Member State of the issuing authority to transmit a copy of the orders to all other Digital Services Coordinators may not apply in the context of criminal proceedings or may be adapted, where the applicable national criminal procedural laws so provide. Furthermore, the obligation for the orders to contain a statement of reasons explaining why the information is illegal content, may be adapted where necessary under the applicable national criminal procedural laws for the prevention, investigation, detection and prosecution of criminal offences. Finally, the obligation on the providers of intermediary services to inform the recipient of the service may be delayed in accordance with the applicable laws, in particular in the context of criminal, civil or	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>administrative proceedings. In addition, the orders should be issued in compliance with</p> <p>Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed 2021/784, Regulation addressing the dissemination of terrorist content online], or (EU) 2019/1020, or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union</p> <p>compliance with Union</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.</p> <p>The conditions and requirements for orders to act against illegal content under this Regulation should not affect the possibility for Member States to require a provider of intermediary services to prevent an infringement, in compliance with this Regulation, in particular the prohibition of general monitoring obligations, and with Union law as interpreted by the Court of Justice of the European Union. Such conditions and requirements should be fulfilled at the latest when the order is transmitted to the provider concerned. The order may be adopted in one of the official languages of the issuing authority of the Member State. Where this language is different from the language declared by the provider of intermediary services or from another official language of the Union, bilaterally agreed between the authority issuing the order and the provider of intermediary services, the transmission of the order should be accompanied by a translation of at least the elements of the order which are set out in this</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			Regulation. Where a provider of intermediary services has bilaterally agreed to use a certain language with the authorities of a Member State, it is encouraged to accept orders in the same language issued by authorities in other Member States.	
Recital 31				
42	(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the	(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law <u>in conformity with Union law, including Directive 2000/31/EC and the Charter,</u> enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition <u>Exceptionally,</u> where the order referring to the specific information may have effects beyond the territory of the	(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority, including a law enforcement authority, issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond particular in a cross-border context, the effect of the	

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	information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.	Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.	order should be limited to the territory of the issuing Member State, unless the illegality of the content derives directly from Union law or the issuing authority considers that the rights at stake require a wider territorial scope, in accordance with of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or and international law, including and the interests of international comity.	
Recital 32				
43	(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to	(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to	(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Such orders could request information aiming to enable the identification of the recipients of the service concerned. Therefore,	

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	provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.	provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information. <u>Member States should ensure full implementation of the Union legal framework on confidentiality of communications and online privacy, as well as on protection of natural persons with regard to the processing of personal data enshrined in Directive (EU) 2016/680. In particular, Member States should respect the rights of individuals and journalists and refrain from seeking information which could harm media freedom or freedom of expression.</u>	orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.	
Recital 33				
44	(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that	(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that	(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that	

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	<p>the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.</p>	<p>the orders in question relate to specific items of illegal content and information, <u>as defined in Union or national law in compliance with Union law</u>, respectively, where they are addressed to providers of intermediary services established in another Member State, they do<u>should</u> not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC<u>The competent authority should transmit the orders to act against illegal content and to provide information directly to the relevant addressee by any electronic means capable of producing a written record under conditions that allow the service provider to establish authenticity, including the accuracy of the date and the time of sending and receipt of the order, such as by secured email and platforms or other secured channels</u>, including those regarding the need to justify measures derogating from the competence<u>made available by the service provider, in line with the rules protecting personal data. This requirement should notably be met by the use of qualified electronic registered delivery services as provided for by Regulation (EU) No</u></p>	<p>the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<i>910/2014 of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders <u>European Parliament and of the Council. This Regulation should be without prejudice to the rules on the mutual recognition and enforcement of judgements, namely as regards the right to refuse recognition and enforcement of an order to act against illegal content, in particular where such an order is contrary to the public policy in the Member State where recognition or enforcement is sought.</u></i>		
Recital 33a				
44a		<i><u>(33a) This Regulation should not prevent the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, to issue an order to restore content, where such content has been in compliance with the terms and conditions of the intermediary service provider, but has been erroneously considered as illegal by the service provider and has been removed.</u></i>	(33a) This Regulation does not prevent the relevant national judicial and administrative authorities, on the basis of national or Union law, from issuing orders to restore one or more specific items of legal content which is in conformity with the terms and conditions of a given provider of intermediary services but has been removed.	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
Recital 33b				
44b		<u>(33b) To ensure the effective implementation of this Regulation, orders to act against illegal content and to provide information should comply with Union law, including with the Charter. The Commission should provide an effective response to breaches of Union law through infringement proceedings.</u>		
Recital 34				
45	(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	(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, <u>effective, predictable</u> 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 <u>a high level of consumer protection</u> , the safety and trust of the recipients of the service, including minors and vulnerable users, protect the <u>the protection of</u>	(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 users at particular risk of being subject to hate speech, sexual harassments or other discriminatory actions	

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	accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.	relevant fundamental rights enshrined in the Charter, to ensure <u>the</u> meaningful accountability of those providers and to empower <u>the empowerment of</u> recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.	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.	
Recital 35				
46	(35) In that regard, it is important that the due diligence obligations are adapted to the type and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, online platforms and very large online platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation. Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as	(35) In that regard, it is important that the due diligence obligations are adapted to the type, <u>nature and size</u> and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, online platforms and very large online platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation <u>in relation to those services</u> . Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified	(35) In that regard, it is important that the due diligence obligations are adapted to the type, size and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, providers of online platforms and of very large online platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation. Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights online.	public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights online.	safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights enshrined in the Charter online. The due diligence obligations are compatible with and independent from the question of liability of intermediaries which need therefore to be assessed separately. As such, intermediary services could be exempt from liability for third party content or activities regardless of whether they have been considered to comply with their due diligence obligations.	
Recital 36				
47	(36) In order to facilitate smooth and efficient communications relating to matters covered by this Regulation, providers of intermediary services should be required to establish a single point of contact and to publish relevant information relating to their point of contact, including the languages to be used in such communications. The point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the	(36) In order to facilitate smooth and efficient communications relating to matters covered by this Regulation, providers of intermediary services should be required to establish <u>designate</u> a single point of contact and to publish relevant <u>and up to date</u> information relating to their point of contact, including the languages to be used in such communications. <u>Such information should be notified to the Digital Service Coordinator in the Member State of establishment.</u>	(36) In order to facilitate smooth and efficient two-way communications, including, where relevant, by acknowledging the receipt of such communications , relating to matters covered by this Regulation, providers of intermediary services should be required to establish <u>designate</u> a single electronic point of contact and to publish relevant information relating to their that point of contact, including the languages to be used in such communications. The	

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	provider of intermediary services. In contrast to the legal representative, the point of contact should serve operational purposes and should not necessarily have to have a physical location .	The point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. <u>It should be possible that this contact point is the same contact point as required under other Union acts.</u> In contrast to the legal representative, the point of contact should serve operational purposes and should not necessarily have to have a physical location-.	electronic point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. In contrast to the legal representative, the electronic point of contact should serve operational purposes and should not necessarily have be required to have a physical location. When specifying the languages of communication, providers of intermediary services are encouraged to ensure that the languages chosen do not per se constitute an obstacle to communication. Where necessary, providers of intermediary services and Member States' authorities may reach a separate agreement on the language of communication, or seek alternative means to overcome the language barrier, including by using all available technological means or internal and external human resources-.	
Recital 36a				
47a		<u>(36a) Providers of intermediary services should also be required to designate a single point of contact for recipients of services, which</u>		

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		<u>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. It should be explicitly indicated when a user communicates with chatbots. 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 solely rely on automated tools. This requirement should not affect the internal organisation of providers of intermediary services, including the ability to use third-party services to provide this communication system, such as external service providers and call centres.</u>		
Recital 37				
48	(37) Providers of intermediary services that are established in a third country that offer services in	(37) Providers of intermediary services that are established in a third country that offer services in	(37) Providers of intermediary services that are established in a third country that offer services in	

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	<p>the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are complied with.</p>	<p>the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are complied with.</p> <p><u><i>It should be possible that a legal representative is mandated by more than one provider of intermediary services, in accordance with national law, provided that such providers qualify as micro, small or medium sized enterprises as defined in Recommendation 2003/361/EC.</i></u></p>	<p>the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives. In order to comply with this obligation, moreover, the providers of intermediary services should ensure that the designated legal representative has the necessary powers and resources to cooperate with the relevant authorities. This could be the case, for example, where a provider of intermediary services appoints a subsidiary undertaking of the same group of the provider, or a fortiori its parent undertaking, if they are established in the Union. However, it might not be the case, for instance, when the legal representative is subject to reconstruction proceedings, bankruptcy, personal or corporate insolvency. This should so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers by the Board, the Commission and the national competent authorities, or any other authorities applying enforcement powers pursuant to this Regulation. It should be possible for the legal representative</p>	

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			to also function as electronic point of contact, provided the relevant requirements of this Regulation are complied with.	
Recital 38				
49	(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 recipients of the service and the avoidance of unfair or arbitrary outcomes.	(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 <u>protecting fundamental rights, in particular freedom of expression and of information</u> , transparency, the protection of recipients of the service and the avoidance of <u>discriminatory</u> , unfair or arbitrary outcomes. <u>In particular, it is important to ensure that terms and conditions are drafted in a clear and unambiguous language in line with applicable Union and national 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, as well as on the right to terminate the use of the service. Providers of intermediary</u>	(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 recipients of the service and the avoidance of unfair or arbitrary outcomes. Providers of the intermediary services should clearly include and maintain up to date in their terms and conditions the grounds on the basis of which they may restrict the provision of their service. When designing, applying and enforcing those restrictions providers of intermediary service should take into account the rights and legitimate interests of the recipients of the service, including fundamental rights as enshrined in the Charter. For example, providers of very large online platforms should in particular pay	

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		<u>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 appropriate graphical elements, such as icons.</u>	due regard to freedom of expression and information, including media freedom and pluralism. All providers of intermediary services should pay regard to international standards for the protection of human rights, such as the UN Guiding Principles on Business and Human Rights, which can provide guidance to observe the applicable fundamental rights. Providers of intermediary services that are primarily aimed at minors below the age of 18 years, for example through the design or marketing of the service, or which are used predominantly by a large number of minors, should make particular efforts to render the explanation of their terms and conditions easily understandable to minors.	
Recital 39				
50	(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a	(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually <u>draw up an annual report in a standardised and machine-readable format</u> , in accordance with the harmonised requirements contained in this Regulation, on the content	(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	<p>result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC.¹</p> <p>¹. 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>moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC <u>¹ which do not also qualify as very large online platforms.</u>⁺</p> <p>¹. 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>result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC¹ and which are not very large online platforms in accordance with this Regulation.⁺</p> <p>¹. 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>	
Recital 39a				
50a		<p><u>(39a) Recipients of a service should be able to make a free, autonomous and informed decisions or choices when using a service and providers of intermediary services shall not use any means, including via its interface, to distort or impair that decision-making. In particular, recipients of the service should be empowered to make such decision sinter alia regarding the acceptance of and changes to terms and conditions, advertising practices, privacy and other settings.</u></p>		

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<p><u>recommender systems when interacting with intermediary services. However, certain practices typically exploit cognitive biases and prompt recipients of the service to purchase goods and services that they do not want or to reveal personal information they would prefer not to disclose. Therefore, providers of intermediary services should be prohibited from deceiving or nudging recipients of the service and from distorting or impairing the autonomy, decision-making, or choice of the recipients of the service via the structure, design or functionalities of an online interface or a part thereof ('dark patterns'). This should include, but should not be limited to, exploitative design choices to direct the recipient to actions that benefit the provider of intermediary services, but which may not be in the recipients' interests, presenting choices in a non-neutral manner, such as giving more visual prominence to a consent option, repetitively requesting or urging the recipient to make a decision such as making the procedure of cancelling a service significantly more cumbersome than signing up to it. However, rules preventing dark patterns should not be understood</u></p>		

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<u>as preventing providers to interact directly with users and to offer new or additional services to them. In particular it should be possible to approach a user again in a reasonable time, even if the user had denied consent for specific data processing purposes, in accordance with Regulation (EU) 2016/679. The Commission should be empowered to adopt a delegated act to define practices that could be considered as dark patterns.</u>		
Recital 39b				
50b		<u>(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</u>		

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<u>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.</u>		
Recital 40				
51	(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 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	(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 <u>easily accessible, comprehensive and</u> 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 establish <u>that the content in question is clearly illegal without additional</u>	(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 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'). Such mechanisms should be at least as easy to find and use	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	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.	<u><i>legal or factual examination of the information indicated in the notice and</i></u> remove or disable access to that content ('action'). <u><i>Such mechanism should include a clearly identifiable reporting mechanism, located close to the content in question allowing to notify quickly and easily items of information considered to be illegal content under Union or national law.</i></u> 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 <u><i>in order to ensure the effective operation of notice and action mechanisms. While individuals should always be able to submit notices anonymously, such notices should not give rise to actual knowledge, except in the case of information considered to involve one of the offences referred to in Directive 2011/93/EU.</i></u> 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.	as notification mechanisms for content that violates the terms and conditions of the hosting service provider. 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.	
Recital 40a				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
51a		<u>(40a) Nevertheless, notices should be directed to the actor that has the technical and operational ability to act and the closest relationship to the recipient of the service that provided the information or content. Such hosting service providers should redirect such notices to the particular online platform and inform the Digital Services Coordinator.</u>		
Recital 40b				
51b		<u>(40b) Moreover, hosting providers should seek to act only against the items of information notified. Where the removal or disabling of access to individual items of information is technically or operationally unachievable due to legal or technological reasons, such as encrypted file and data storage and sharing services, hosting providers should inform the recipient of the service of the notification and seek action.</u>		
Recital 41				
52	(41) The rules on such notice and action mechanisms should be	(41) The rules on such notice and action mechanisms should be	(41) The rules on such notice and action mechanisms should be	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	<p>harmonised at Union level, so as to provide for the timely, diligent and objective processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of the Member State in which those parties are established or reside and of the field of law at issue. The fundamental rights include, as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content.</p>	<p>harmonised at Union level, so as to provide for the timely, diligent, <u>objective, non-arbitrary and non-discriminatory</u> and objective processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of the Member State in which those parties are established or reside and of the field of law at issue. The fundamental rights include, as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content.</p>	<p>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 but are not limited to, as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content.</p> <p>Providers of hosting services should act upon notices in a timely manner, in particular, by taking into account the type of illegal</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			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.	
Recital 41a				
52a		<u>(41a) Providers of hosting services should act upon notices without undue delay, taking into account the type of illegal content that is being notified and the urgency of taking action. The provider of hosting services should inform the individual or entity notifying the specific content of its decision without undue delay after taking a decision whether to act upon the notice or not.</u>	(41a) Those mechanisms should allow for the submission of notices which are sufficiently precise and adequately substantiated to enable the hosting provider concerned to take an informed and diligent decision in respect of the content to which the notice relates, in particular whether or not that content is to be considered illegal content and is to be removed or access thereto is to be disabled. Those mechanisms should be such as to facilitate the provision of notices that contain an explanation of the reasons why the notice provider considers that content to be illegal content and a clear	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>indication of the location of that content. The notice should contain sufficient information to enable the provider of intermediary services to identify, without a detailed legal examination, that it is clear that the content is illegal and that the decision to remove or disable access to it is compatible with freedom of expression and information. Except for the submission of notices relating to offences referred to in Articles 3 to 7 of Directive 2011/93/EU of the European Parliament and of the Council¹, it is necessary to know the identity of the notice provider, for instance to avoid misuses or to identify alleged infringements to personality rights or intellectual property rights.</p> <p>1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).</p>	
Recital 42				
53	(42) Where a hosting service provider decides to remove or disable information provided by a	(42) Where a hosting service provider decides to remove, <u>disable access to, demote or impose other</u>	(42) Where a hosting service provider provider of hosting services decides to remove or	

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	<p>recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress.</p>	<p><u>measures with regard to or disable</u> information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that <u>have been proven to be efficient, proportionate and accurate, that</u> provider should <u>in a clear and user-friendly manner</u> inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress. <u>The obligation should however not apply in a number of situations, namely when the content is deceptive or part of high-volume of commercial content, or when it has been requested by a judicial or</u></p>	<p>disable information provided by a recipient of the service or to otherwise restrict its visibility or monetisation, for instance following receipt of a notice or acting on its own initiative, including through the use of exclusively by automated means, that provider should inform in a clear and easily comprehensible way the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Restriction of visibility may consist in demotion in ranking or in recommender systems, as well as in limiting accessibility by one or more recipients of the service or blocking the user from an online community without the user knowing it ('shadow banning'). The monetisation via advertising</p>	

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		<u>law enforcement authority to not inform the recipient due to an ongoing criminal investigation until the criminal investigation is closed. Where a provider of hosting service does not have the information necessary to inform the recipient by a durable medium, it should not be required to do so.</u>	revenue of content provided by the recipient of the service can be restricted by suspending or terminating the monetary payment or revenue associated to that content. Irrespective of available recourses to challenge the decision of the provider of hosting service-providerservices , the recipient of the service should always include judicial redress have a right to initiate proceedings before a court in accordance with the national laws.	
Recital 42a				
53a		<u>(42a) A provider of hosting services may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving an imminent threat to the life or safety of person,</u>	(42a) [previous recital 48] A provider of hosting services may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the provider of hosting services is aware, the suspicion that the recipient may have committed, may be committing or is likely to	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<p><u>such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council¹. In such instances, the provider of hosting services should inform without delay the competent law enforcement authorities of such suspicion, providing, upon their request, all relevant information available to it, including where relevant the content in question and an explanation of its suspicion and unless instructed otherwise, should remove or disable the content. The information notified by the hosting service provider should not be used for any purpose other than those directly related to the individual serious criminal offence notified. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms provider of hosting services. Providers of hosting services should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities. In order to facilitate the notification of suspicions of criminal offenses, Member States should notify to the</u></p>	<p>commit a criminal offence involving a threat to the life or safety of person or persons, such as offences specified in Directive 2011/36/EU of the European Parliament and of the Council¹, Directive 2011/93/EU of the European Parliament and of the Council² or Directive (EU) 2017/541 of the European Parliament and of the Council³. For example, specific items of content could give rise to a suspicion of a threat to the public, such as incitement to terrorism within the meaning of Article 21 of Directive (EU) 2017/541. In such instances, the provider of hosting services should inform without delay the competent law enforcement authorities of such suspicion. The provider of hosting services should provide all relevant information available to it, including where relevant the content in question and, if available, the time when the content was published, including the designated time zone, an explanation of its suspicion and the information necessary to locate and identify the relevant recipient of the service. This Regulation does not provide the legal basis for profiling of recipients of the</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<p><u><i>Commission the list of the competent law enforcement or judicial authorities.</i></u></p> <p><u><i>1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).</i></u></p>	<p>services with a view to the possible identification of criminal offences by providers of hosting services. Providers of hosting services should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.</p> <p>1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1). 2. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1). 3. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).</p>	
Recital 43				
54	(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under	(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under	(43) To avoid disproportionate burdens, the additional obligations imposed on providers of online	

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	<p>this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission,¹ unless their reach and impact is such that they meet the criteria to qualify as 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> <p><small>1. 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).</small></p>	<p>this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission,¹ unless their reach and impact is such that they meet the criteria to qualify as 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> <p><small>1. 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).</small></p>	<p>platforms under this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission,¹ unless their reach and impact is such that they meet the criteria to they qualify as 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> <p><small>1. 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).</small></p>	
Recital 43a				
54a		<p><u><i>(43a) Similarly, in order to ensure that the obligations are only applied to those providers of intermediary services where the benefit would outweigh the burden on the provider, the Commission should be empowered to issue a waiver to the requirements of Chapter III Section</i></u></p>		

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		<p><u>3, in whole or in parts, to those providers of intermediary services that are non-for profit t, or are medium-sized enterprises, but do not present any systemic risk related to illegal content and have limited exposure to illegal content. The providers should present justified reasons for why they should be issued a waiver and send their application first to their Digital Services Coordinators of establishment for a preliminary assessment. The Commission should examine such an application taking into account a preliminary assessment carried out by the Digital Services Coordinators of establishment. The preliminary assessment should be sent together with the application to the Commission. The Commission should monitor the application of the waiver and have the right revoke a waiver at any time. The Commission should maintain a public list of all waiver issued and their conditions.</u></p>		
Recital 44				
55	(44) Recipients of the service should be able to easily and effectively contest certain decisions	(44) Recipients of the service, should be able to easily and effectively contest certain decisions.	(44) Recipients of the service, including individuals or entities that have submitted a notice,	

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	<p>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 and fair 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 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>of online platforms that negatively affect them. <u>This should include decisions of online platforms allowing consumers to conclude distance contracts with traders to suspend the provisions of their services to traders.</u> 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, <u>non-discriminatory, non-arbitrary</u> and fair outcomes <u>within ten working days starting on the date on which the online platform received the complaint.</u> In addition, provision should be made for the possibility of <u>entering, in good faith, an</u> 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 that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner <u>and within a reasonable period of time.</u> 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</p>	<p>should be able to easily and effectively contest certain decisions of providers of online platforms that negatively affect them. Therefore, providers of 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, and are subject to human review. Such systems should enable all recipients of the service, including individuals or entities that have submitted a notice, to lodge a complaint and should not set up formal requirements such as referral to specific, relevant legal provisions or elaborate legal explanations. The possibility to lodge a complaint for the reversal of the contested decisions should be available for at least six months, to be calculated from the time of informing the recipient of the service, including the individual or entity, of the decision. In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes in good faith, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies</p>	

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		the laws of the Member State concerned.	that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. The fees charged by the dispute settlement bodies should be reasonable, accessible, attractive, inexpensive for consumer and proportionate, and assessed on a case-by-case basis. Providers of online platforms should be able to refuse to engage in dispute settlement in the case when the same dispute regarding the same content has already been resolved or is being reviewed by another dispute settlement body provided that they comply with the existing or future outcome of the dispute settlement consistently. Recipients of the service, including individuals or entities that have submitted notices, should be able to choose between the internal complaint mechanism, an out-of-court dispute settlement or judicial redress. The possibilities to contest decisions of providers 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, and therefore exercising their right to an	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			effective judicial remedy as provided for in Article 47 of the Charter. The provisions in this Regulation on out-of-court settlement of disputes should not amount to an obligation for the Member States to establish such out-of-court settlement bodies.	
Recital 45				
56	<p>(45) For contractual consumer-to-business disputes over the purchase of goods or services, Directive 2013/11/EU of the European Parliament and of the Council¹ ensures that Union consumers and businesses in the Union have access to quality-certified alternative dispute resolution entities. In this regard, it should be clarified that the rules of this Regulation on out-of-court dispute settlement are without prejudice to that Directive, including the right of consumers under that Directive to withdraw from the procedure at any stage if they are dissatisfied with the performance or the operation of the procedure.</p> <p>¹. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive</p>	<p>(45) For contractual consumer-to-business disputes over the purchase of goods or services, Directive 2013/11/EU of the European Parliament and of the Council¹ ensures that Union consumers and businesses in the Union have access to quality-certified alternative dispute resolution entities. In this regard, it should be clarified that the rules of this Regulation on out-of-court dispute settlement are without prejudice to that Directive, including the right of consumers under that Directive to withdraw from the procedure at any stage if they are dissatisfied with the performance or the operation of the procedure.</p> <p>¹. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive</p>	<p>(45) For contractual consumer-to-business disputes over the purchase of goods or services, Directive 2013/11/EU of the European Parliament and of the Council¹ ensures that Union consumers and businesses in the Union have access to quality-certified alternative dispute resolution entities. In this regard, it should be clarified that the rules of this Regulation on out-of-court dispute settlement are without prejudice to that Directive, including the right of consumers under that Directive to withdraw from the procedure at any stage if they are dissatisfied with the performance or the operation of the procedure.</p> <p>¹. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive</p>	

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	2009/22/EC (OJ L 165, 18.6.2013, p. 63).	2009/22/EC (OJ L 165, 18.6.2013, p. 63).	2009/22/EC (OJ L 165, 18.6.2013, p. 63).	
Recital 46				
57	<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, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in 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</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, <u>acting within their designated area of expertise,</u> through the notice and action mechanisms required by this Regulation are treated with priority, <u>and expeditiously, taking into account due process and</u> without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent andan objective manner. Such trusted flagger status should only be awarded, <u>for a period of two years,</u> 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 <u>and have transparent funding structure. The Digital Services Coordinator should be allowed to renew the status where the trusted flagger concerned</u></p>	<p>(46) Action against illegal content can be taken more quickly and reliably where providers of online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should be awarded by the Digital Services Coordinator of the Member State in which the applicant is established and should be recognised by all providers of online platforms within the scope of this Regulation. 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. To avoid diminishing the</p>	

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	<p>organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.¹</p> <p>¹ 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><u><i>continues to meet the requirements of this Regulation.</i></u> 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, <u><i>consumer organisations,</i></u> 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. <u><i>Trusted flaggers should publish easily comprehensible and detailed reports on notices submitted in accordance with Article 14. Those reports should indicate information such as notices categorised by the entity of the provider of hosting services, the type of content notified, the legal provisions allegedly breached by the content in question, and the action taken by the provider. The reports should also include information about any potential conflict of interest and sources of funding as well as the procedure put in place by the trusted flagger to retain its independence.</i></u> For intellectual</p>	<p>added value of such mechanism, the overall number of trusted flaggers awarded in accordance with this Regulation should be limited. In particular, industry associations representing their members' interests should apply for the status of trusted flaggers, without prejudice to the right of private entities or individuals to enter into bilateral agreements with the providers of online platforms. 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 private or semi-public bodies, such 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 Given that trusted flaggers have demonstrated expertise and competence, the processing of trusted flagger notices can be expected to be less burdensome</p>	

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		<p>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 <u>and respect for exceptions and limitations to intellectual property rights</u>. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.¹ <u>In order to avoid abuses of the status of trusted flagger, it should be possible to suspend such status when a Digital Service Coordinator of establishment opened an investigation based on legitimate reasons. The suspension should not be longer than the time needed to conduct the investigation and should be maintained if the Digital Services Coordinator of establishment concluded that the entity in question could still be considered as a trusted flagger.</u></p>	<p>and therefore faster compared to notices submitted by other recipients of the service. However, the average time taken to process may still vary depending on factors including the type of illegal content, the quality of notices, and the actual technical procedures put in place for the submission of such notices. As a current indicative benchmark, the 2016 Code of Conduct on countering Illegal Hate Speech committed participating providers to review the majority of valid trusted flagger status, where they have demonstrated that they meet the applicable conditions notifications for removal of illegal hate speech in less than 24 hours. Other types of illegal content may take considerably different timelines for processing, depending on the specific facts and circumstances and types of illegal content at stake.</p> <p>The rules of this Regulation on trusted flaggers should not be understood to prevent providers of 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</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<p>1. 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>entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.¹ The rules of this Regulation should not prevent the providers of online platforms from making use of such trusted flagger or similar mechanisms to take quick and reliable action against content that is incompatible with their terms and conditions, in particular against content that is harmful for vulnerable recipients of the service, such as minors.</p> <p>1. 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>	
Recital 46a				
57a		<p><u>(46a) The strict application of universal design to all new technologies and services should ensure full, equal and unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of</u></p>		

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<u><i>their inherent dignity and diversity. It is essential to ensure that providers of online platforms, which offer services in the Union, design and provide those services in accordance with the accessibility requirements, set out in Directive (EU) 2019/882. In particular, providers of online platforms should ensure that information provided, forms provided and procedures that are in place are made available in a manner that they are easy to find, easy to understand, and accessible to persons with disabilities.</i></u>		
Recital 47				
58	(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 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	(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 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, <u>proportionate and effective</u> and proportionate safeguards against such misuse. Information should be	(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 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	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	<p>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 behaviour. 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 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</p>	<p>considered to be manifestly<u>The misuse of services of online platforms could be established with regard to frequently provided</u> illegal content and<u>where it is evident that that content is illegal without conducting a detailed legal or factual analysis.</u> 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 <u>be entitled to temporarily or, in a limited number of situations, permanently</u> suspend their relevant activities in respect of the person engaged in abusive behaviour. 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 subject to oversight by the competent Digital Services</p>	<p>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 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</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.	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.	decision of the providers of the online platform. When deciding on the suspension, providers of online platforms should send the statement of reasons in accordance with the rules in this Regulation. 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, including through the violation of their terms and conditions , 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.	
Recital 48				
59	(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to	(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to	(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to	

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	<p>all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council¹. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.</p> <p>¹. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).</p>	<p>all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council¹. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.</p> <p>¹. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA</p>	<p>all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council¹. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities. [moved to Recital 42a]</p> <p>¹. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L</p>	

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		(OJ L 335, 17.12.2011, p. 1). deleted	335, 17.12.2011, p. 1).	
Recital 49				
60	(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	(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 <u>that allow</u> consumers to conclude distance contracts with traders should ensure that such traders are traceable. The trader <u>obtain additional information on the trader and the products and services they intend to offer on the platform. The online platform</u> should therefore be required to provide certain essential information <u>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. Prior to offering its services</u> to the trader, <u>the</u> online platform <u>operator should make best efforts to assess if the</u>	(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 <u>marketplaces</u> should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the provider of online platform <u>marketplace</u> , 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 <u>The providers of</u> online platforms <u>marketplaces</u> should store all information in a secure manner for a reasonable period of time that	

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	<p>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.</p>	<p><u>information provided by the trader is reliable. In addition, the platform should take adequate measures, such as where applicable, random checks, to identify and prevent illegal content from appearing on their interface. The fulfilment of the obligations on traceability of the traders, including for purposes of promoting messages on or offering 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. The</u> That requirement <u>to provide essential information</u> 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 <u>and no longer than six months after the</u></p>	<p>does not exceed what the duration of their contractual relationship with the trader and 6 months thereafter, to allow any claims to be filed against the trader or orders related to the trader to be complied with. This is necessary and proportionate, so that 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, including through the orders to provide information referred to in this Regulation. 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. 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(1)(b) of Directive 2011/83/EU and Article 7(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,</p>	

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		<p><u>end of a relationship with the trader</u>, 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 <u>direct</u> legitimate interest, including through the orders to provide information referred to in this Regulation.</p>	<p>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 authorities certain information allowing the identification of all providers. The traceability requirements for providers of online marketplaces set out in this Regulation do not affect the application of rules resulting from Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>field of taxation¹, which pursues other legitimate public interest objectives.</p> <p>1. Please insert in the text the number, date and OJ reference of this Regulation.</p>	
Recital 50				
61	<p>(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 System¹, 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</p>	<p>(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered should, <u>before allowing the display of the product or services on its online interface,</u> make reasonable efforts to <u>verify/assess</u> 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 System¹, 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</p>	<p>(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online platforms covered providers of the online marketplaces should make reasonable best efforts to verify, prior to the use of their service, the reliability of the information provided by the traders concerned;. In particular, the providers of online marketplaces should use by using freely available official online databases and online interfaces, such as national trade registers and the VAT Information Exchange System¹, or by requesting request the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank payment accounts' statements, company certificates and trade register certificates. They may also use other sources, available for use at a</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	<p>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 Council², Article 7 of Directive 2005/29/EC of the European Parliament and of the Council³ and Article 3 of Directive 98/6/EC of the European Parliament and of the Council⁴.</p> <p>1. https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en</p> <p>2. 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>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<i>best</i> 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 <i>user-friendly</i> 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 Council², Article 7 of Directive 2005/29/EC of the European Parliament and of the Council³ and Article 3 of Directive 98/6/EC of the European Parliament and of the Council⁴.</p> <p>1. https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en</p> <p>2. 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</p>	<p>distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online platforms coveredproviders of online 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 online platformsproviders, 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. SuchProviders of online platformsmarketplaces should also design and organisemake their online interface in a way that enablesbest efforts to ensure that 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 Council², Article 7 of Directive 2005/29/EC of the European Parliament and of the Council³ and Article 3 of Directive 98/6/EC of the European Parliament and of the Council⁴provide complete information and ensure that products or services are not offered as long as the information</p>	

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	<p>3. 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 and of the Council ('Unfair Commercial Practices Directive')</p> <p>4. 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>of the European Parliament and of the Council</p> <p>3. 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 and of the Council ('Unfair Commercial Practices Directive')</p> <p>4. 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>is incomplete. This should not amount to a general monitoring obligation or an obligation for the provider of online marketplaces to assess whether the content provided is in fact compliant with Union law.</p> <p>1. https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en</p> <p>2. 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>3. 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 and of the Council ('Unfair Commercial Practices Directive')</p> <p>4. 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>	
Recital 50a				
61a				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<p><u>(50a) Online platforms that allow consumers to conclude distance contracts with traders should demonstrate their best efforts to prevent the dissemination by traders of illegal products and services, in compliance with the no general monitoring principle. Online platforms covered should inform recipients when the service or product they have acquired through their services are illegal.</u></p>	<p>(50a) Providers of online marketplaces should not rely on so-called dark patterns in designing their online interfaces. Dark patterns are design techniques that push or deceive consumers into undesired decisions which have negative consequences for them. These manipulative techniques can be used to persuade the recipients of the service to engage in unwanted behaviours, including making it unreasonably difficult to discontinue purchases or to sign out from a given marketplace, to deceive the recipients of the service by nudging them into decisions on transactions, or by default settings that are very difficult to change, and so unreasonably bias the decision making of the recipient of the service, in a way that subverts and impairs their autonomy, decision-making and choice. Common and legitimate advertising practices that are in compliance with Union law should not in themselves be regarded as constituting dark patterns. Providers of online marketplaces should design and organise their online interface in a way that enables traders to comply with their obligations</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>under relevant 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 Council¹, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council², Articles 5 and 6 of the Directive 2000/31/EC of the European Parliament and of the Council and Article 3 of Directive 98/6/EC of the European Parliament and of the Council³. For that purpose, the providers of online marketplaces should make best efforts to assess whether the traders using their services have uploaded the information on their online interfaces, in line with relevant applicable Union law. This should not amount to an obligation for providers of online marketplaces to generally monitor the products or services offered by traders through their services nor a general fact-finding obligation, in particular to assess the accuracy of the information provided by traders. The online interfaces should be user-friendly and easily accessible for traders and consumers.</p> <p>¹. Directive 2011/83/EU of the European Parliament and of the Council of 25</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>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>2. 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 and of the Council ('Unfair Commercial Practices Directive').</p> <p>3. 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>	
Recital 51				
62	(51) In view of the particular responsibilities and obligations of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online platforms may be very large	(51) In view of the particular responsibilities and obligations of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online platforms may be very large	(51) In view of the particular responsibilities and obligations of providers of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online	

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	online platforms that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for online platforms should include certain obligations relating to the publication and communication of information on the average monthly active recipients of the service in the Union.	online platforms that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for online platforms should include certain obligations relating to the publication and communication of information on the average monthly active recipients of the service in the Union.	platforms or online search engines may be very large online platforms or very large online search engines that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for providers of online platforms and of online search engines should include certain obligations relating to the publication and communication of information on the average monthly active recipients of the service in the Union. In order to ensure transparency and enable scrutiny over online platforms' content moderation decisions and monitoring the spread of illegal content online, the Commission should maintain and update a database which contains the decisions and statements of reasons of the providers of online platforms when they remove or otherwise restrict availability of and access to content. In order to allow the Commission to keep the database updated, the providers of online platforms should submit the decisions and statement of reasons without undue delay after a decision has been made by a provider. The database should be accessible to vetted researchers and Digital Services Coordinators,	

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			who may also grant access to the database to national authorities where relevant for the exercise of their tasks. The structured database should allow access to and queries for the relevant information, in particular as regards the type of alleged illegal content at stake.	
Recital 52				
63	(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary	(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. <u>New advertising models have generated changes in the way information is presented and have created new personal data collection patterns and business models that might affect privacy, personal autonomy, democracy,</u>	(52) Online advertisement advertising plays an important role in the online environment, including in relation to the provision of online platforms, when the provider the services of online platforms platform receives remuneration as economic consideration for the placement of the specific advertisement on the platform's online interface, for example as direct payment or increased sale commission. However, online advertisement advertising can contribute to significant risks, ranging from advertisement that is itself advertisements that are themselves illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	<p>for them to understand when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.</p>	<p><u><i>quality news reporting and facilitate manipulation and discrimination. Therefore, more transparency in online advertising markets and independent research needs to be carried out to assess the effectiveness of behavioural advertisements.</i></u> In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayed, <u><i>as well as the natural or legal person who finances the advertisement.</i></u> In addition, recipients of the service should have <u><i>easy access to</i></u> information on the main parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-</p>	<p>content and activities online, or the discriminatory displaypresentation of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, providers of online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand when and on whose behalf the advertisement is displayedpresented. They should ensure that the information is salient, including through standardised visual or audio marks, clearly identifiable and unambiguous for the average user, and should be adapted to the nature of the individual service's online interface. In addition, recipients of the service should have information on the main parameters used for determining that specific advertising is to be displayedadvertisement is presented to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. Such explanations should include information on the method used for presenting the advertisement –</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<p>making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein. <u>In addition to these information obligations, online platforms should ensure that recipients of the service can refuse or withdraw their consent for targeted advertising purposes, in accordance with Regulation (EU) 2016/679 in a way that is not more difficult nor time-consuming than to give their consent. Online platforms should also not use personal data for commercial purposes related to direct marketing, profiling and behaviourally targeted advertising of minors. The online platform should not be obliged to maintain, acquire or process additional information in order to assess the age of the recipient of the service. Refusing consent in processing personal data for the purposes of advertising should not result in access to the functionalities of the platform being disabled. Alternative</u></p>	<p>for example whether it is contextual, behavioural or other type of advertising – and, where applicable, the main profiling criteria used. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein. Finally, this Regulation complements the application of the Directive 2010/13/EU which imposes measures to enable users to declare audiovisual commercial communications in user-generated videos. It also complements the obligations for traders regarding the disclosure of commercial communications deriving from Directive 2005/29/EC.</p>	

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		<u><i>access options should be fair and reasonable both for regular and for one-time users, such as options based on tracking-free advertising. Targeting individuals on the basis of special categories of data which allow for targeting vulnerable groups should not be permitted.</i></u>		
Recital 52a				
63a		<u><i>(52a) A core part of an 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,</i></u>		

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		<u><i>online platforms should ensure that recipients can understand how recommender system impact the way information is displayed, and can influence how information is presented to them. They should clearly present the parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them.</i></u>		
Recital 53				
64	(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no alternative and less	(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no <u>proportionate</u> alternative	(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on the providers of those platforms, in addition to the obligations applicable to all online platforms. Due to their critical role in locating and making information retrievable online, it is also necessary to impose those obligations, to the	

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	restrictive measures that would effectively achieve the same result.	and less restrictive measures that would effectively achieve the same result.	extent they are applicable, on the providers of very large online search engines, in addition to the obligations applicable to all providers of intermediary services. Those additional obligations on providers of very large online platforms and of very large online search engines are necessary to address those public policy concerns, there being no alternative and less restrictive measures that would effectively achieve the same result.	
Recital 54				
65	(54) Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses have a disproportionately negative impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to 10% of the Union population. The operational threshold should be kept up to date through amendments	(54) Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses have a disproportionately negative impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to 10% of the Union population. The operational threshold should be kept up to date through amendments	(54) Very large online platforms and very large online search engines may cause societal risks, different in scope and impact from those caused by smaller platforms. Providers of such very large online platforms and very large online search engines should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means. Once the number of recipients of a platform or a search engine reaches a significant share of the Union population, the systemic risks the platform or search engine poses	

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	<p>enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means.</p>	<p>enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means.</p> <p><u>Accordingly, the number of average monthly recipients of the service should reflect the recipients actually reached by the service either by being exposed to content or by providing content disseminated on the platforms' interface in that period of time.</u></p>	<p>may have a disproportionately negativedisproportionate impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to 10%10 % of the Union population. In order to determine the reach of a given online platform or online search engine, it is necessary to establish the average number of active recipients of such service, represented by any recipient actually engaging with the service at least once in a given period of time. Examples of such engagement include viewing content by scrolling through an online interface or uploading content on an online platform, including an online marketplace, and not only interacting with content by clicking on, commenting, linking, sharing, purchasing or carrying out transactions on an online platform, such as an online marketplace. Consequently, the notion of active recipient of the service does not necessarily coincide with that of a registered user of a service, and it cumulatively covers recipients of</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>the service who provide content, such as traders on an online marketplace, and those who view content. As regards online search engines, the concept of active recipients of the service should cover those who view content on their online interface, but not, for example, the owners of the websites indexed by the online search engine, as they do not actively engage with the service. The number of active recipients of a service should include all unique recipients of the service that engage with the specific service irrespective of the potentially different interfaces made available, such as websites or apps, including where the interfaces are accessed through different URLs or domain names. However, it should not include recipients of other third party services that make available through their own online interfaces content hosted by the provider of online platform or indexed by a provider of online search engine. This Regulation does not require providers of online platforms or of online search engines to perform specific tracking of individuals online, nor to discount automated users such</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>as bots. The operational threshold and methodology to determine the active recipients of an online platform or of an online search engine should be kept up to date through amendments enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means., and reflect the nature of the service and the way recipients of the service interact with it.</p>	
Recital 55				
66	<p>(55) In view of the network effects characterising the platform economy, the user base of an online platform may quickly expand and reach the dimension of a very large online platform, with the related impact on the internal market. This may be the case in the event of exponential growth experienced in short periods of time, or by a large global presence and turnover allowing the online platform to fully exploit network effects and economies of scale and of scope. A high annual turnover or market capitalisation can in particular be an</p>	<p>(55) In view of the network effects characterising the platform economy, the user base of an online platform may quickly expand and reach the dimension of a very large online platform, with the related impact on the internal market. This may be the case in the event of exponential growth experienced in short periods of time, or by a large global presence and turnover allowing the online platform to fully exploit network effects and economies of scale and of scope. A high annual turnover or market capitalisation can in particular be an</p>	<p>(55) In view of the network effects characterising the platform economy, the user base of an online platform may quickly expand and reach the dimension of a very large online platform, with the related impact on the internal market. This may be the case in the event of exponential growth experienced in short periods of time, or by a large global presence and turnover allowing the online platform to fully exploit network effects and economies of scale and of scope. A high annual turnover or market capitalisation can in particular be an</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	indication of fast scalability in terms of user reach. In those cases, the Digital Services Coordinator should be able to request more frequent reporting from the platform on the user base to be able to timely identify the moment at which that platform should be designated as a very large online platform for the purposes of this Regulation.	indication of fast scalability in terms of user reach. In those cases, the Digital Services Coordinator should be able to request more frequent reporting from the platform on the user base to be able to timely identify the moment at which that platform should be designated as a very large online platform for the purposes of this Regulation.	indication of fast scalability in terms of user reach. In those cases, the Digital Services Coordinator of establishment and the Commission should be able to request more frequent reporting from provider of the online platform on the user base to be able to timely identify the moment at which that platform should be designated as a very large online platform for the purposes of this Regulation.	
Recital 56				
67	(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very large online platforms should therefore assess the systemic risks stemming from the functioning and use of their	(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very large online platforms should therefore assess the systemic risks stemming from the functioning and use of their	(56) Very large online platforms are and very large online search engines can be used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. In the absence of effective Effective and fundamental rights based regulation and enforcement, they can set the rules of the game, without is necessary in order to effectively identifying and mitigating identify and mitigate the risks and the societal and economic harm they can cause that may arise.	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.	service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures <u>where mitigation is possible without adversely impacting fundamental rights</u> .	Under this Regulation, providers of very large online platforms and of very large online search engines should therefore assess the systemic risks stemming from the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.	
Recital 57				
68	(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts	(57) Three <u>Four</u> 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 <u>and amplification</u> 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 <u>dangerous and</u> counterfeit products <u>and illegally-traded animals</u> . For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a	(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 or other types of misuse of their services for criminal offences , 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 and of very large online search engines for possible illegality of his or her activity under the applicable law, such dissemination or activities may	

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	<p>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 information that is illegal content or incompatible with</p>	<p>significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the <u>actual and foreseeable</u> 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, <u>freedom of the press, human dignity</u>, the right to private life, the right to <u>gender equality, the right to</u> 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</p>	<p>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 by very large online search engine or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. When assessing risks to the rights of the child, providers should consider how easily understandable to minors the design and functioning of the service is, as well as how minors can be exposed through their service to content that may impair minors' health, physical, mental and moral development. Such risks may arise, for example, in relation to the design of online interfaces which intentionally or unintentionally exploit the weaknesses and inexperience of</p>	

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	an online platform's terms and conditions.	fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions. <u><i>A fourth category of risks concerns any actual and foreseeable negative effects on the protection of public health, including behavioural addictions due to excessive use of a service or other serious negative effects to the person's physical, mental, social and financial well-being.</i></u>	minors or which may cause addictive behaviour. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation manipulation coordinated manipulation of the platform's or search engine'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 inauthentic use of the service, such as the creation of fake accounts, the use of bots or deceptive use of a service , and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's or online search engine's terms and conditions.	
Recital 58				
69	(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk	(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk	(58) Providers of very large online platforms and of very large online search engines should deploy the necessary means to diligently	

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	<p>assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the</p>	<p>assessment <u>where mitigation is possible without adversely impacting fundamental rights</u>. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content <u>and of content that is incompatible with their terms and conditions. They should also consider mitigation measures in case of malfunctioning or intentional manipulation and exploitation of the service, or in case of risks inherent to the intended operation of the service, including the amplification of illegal content, of content that is in breach with their terms and conditions or any other content having negative effects, by</u> adapting their decision-making processes, or adapting their terms and conditions <u>and content moderation policies and how those policies are enforced, while being fully transparent to the recipients of the service</u>. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions,</p>	<p>mitigate the systemic risks identified in the risk assessment. Very large online platforms They should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. This concerns in particular the speed and quality of processing of notices, which in general should go beyond benchmarks set by established best practices. This includes in particular the commitment to process a majority of valid notifications for removal of illegal hate speech in less than 24 hours under the 2016 Hate speech Code of Conduct. Other types of illegal content may require longer or shorter timelines for processing of notices, which will depend on the facts, circumstances and types of illegal content at hand. The design and online interface of services primarily aimed at minors or predominantly used by them should take into account their best interests, and ensure that their</p>	

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	<p>specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.</p>	<p>such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. <u>The decision as to the choice of measures should remain with the very large online platform.</u> Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service. <u>The Commission</u></p>	<p>services are organised in a way that minors are easily able to access mechanisms within this Regulation, including notice and action and complaint mechanisms. The providers of very large online platforms that provide access to content that may impair the physical, mental or moral development of minors should take appropriate measures and provide tools that enable conditional access to the content. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Providers of very large online platforms and of very large online search engines may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. In selecting the appropriate mitigation measures,</p>	

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		<u>should evaluate the implementation and effectiveness of the mitigating measures and issue recommendations when the measures implemented are deemed inappropriate or ineffective to address the systemic risk at stake.</u>	providers can consider, where appropriate, industry best practices, including as established through self regulatory cooperation, codes of conduct, as well as guidelines from the Commission. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the economic capacity of the provider of the very large online platform's economic capacity or of very large online search engines and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.	
Recital 59				
70	(59) Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of	(59) Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of	(59) Providers of very large online platforms and of very large online search engines should, where appropriate, conduct their risk assessments and design their risk	

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	the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations.	the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations.	mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. In the assessment on whether a measure is reasonable, proportionate and effective, special consideration should be given to the right to freedom of expression.	
Recital 60				
71	(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaking pursuant to codes of conduct and crises protocols. They should give the auditor access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Auditors should guarantee the confidentiality, security and integrity of the	(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through <u>external</u> independent auditing, for their compliance with the obligations laid down by this Regulation. <u>In particular, audits should assess the clarity, coherence and predictable enforcement of terms of service, the completeness, methodology and consistency of the transparency reporting obligations, the accuracy, predictability and clarity of the provider's follow-up for recipients of the service and notice providers regarding notices of illegal content and terms of service violations, the accuracy of classification of</u>	(60) Given the need to ensure verification by independent experts, providers of very large online platforms and of very large online search engines should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaking undertaken pursuant to codes of conduct and crises protocols. They should give the auditor access to all relevant data necessary to perform the audit properly, including, where appropriate, to data related to algorithmic systems. Auditors should also be able to make use of	

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	<p>information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.</p>	<p><u>removed information, the internal complaint handling mechanism, the interaction with trusted flaggers and assessment of their accuracy, the diligence with regard to the verification of the traceability of traders, the adequateness and correctness of the risk assessment, the adequateness and effectiveness of the risk mitigation measures taken</u> and, where relevant, any complementary commitments undertaking<u>undertaken</u> pursuant to codes of conduct and crises protocols. They should give the <u>vett</u>ed auditor access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. <u>Vetted</u> auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. <u>This guarantee should not be a means to circumvent the applicability of audit obligations in this Regulation applicable to very large online platforms.</u> Auditors should be <u>legally and financially</u></p>	<p>other sources of objective information, including studies by vetted researchers. Audits should be performed according to best industry practices, with due regard, as appropriate, to auditing standards and guidelines. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence and technical competence is not beyond doubt, they should resign or abstain from the audit engagement.</p>	

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		<p>independent <u>and should not have conflict of interest involving the very large online platform concerned and other very large online platforms</u>, so as to be able to perform their tasks in an adequate and trustworthy manner.</p> <p><u>Additionally, vetted auditors and their employees should not have provided any service to the very large online platform audited for 12 months before the audit. They should also commit not to work for the very large online platform audited or a professional organisation or business association of which the platform is a member for 12 months after their position in the auditing organisation has ended.</u> If their independence is not beyond doubt, they should resign or abstain from the audit engagement.</p>		
Recital 61				
72	(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to	(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to	(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the providers of the very large	

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	<p>comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken.</p>	<p>comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. <u>Where applicable, the report should include a description of specific elements that could not be audited, and an explanation of why these could not be audited.</u> The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers</p>	<p>online platform and of the very large online search engine to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board without delay within 30 days following the adoption of the audit implementing report, together with the risk assessment and the mitigation measures, as well as the plans of the provider of the very large online platform's plans for or of the very large online search enginefor addressing the audit's recommendations. The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform or the very large online search engine complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a</p>	

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		that the very large online platform does not comply with this Regulation or the commitments undertaken. <u>Where the audit opinion could not reach a conclusion for specific elements that fall within the scope of the audit, a statement of reasons for the failure to reach such a conclusion should be included in the audit opinion.</u>	substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform or the very large online search engine does not comply with this Regulation or the commitments undertaken.	
Recital 62				
73	(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,	(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. <u>Often, they facilitate the search for relevant content for recipients of the service</u>	(62) A core part of a very large online platform's and a very large online search engine'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	

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	<p>the viral dissemination of information and the stimulation of online behaviour. Consequently, very large online platforms should ensure that recipients are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.</p>	<p><u>and contribute to an improved user experience.</u> 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 <u>let the recipients decide whether they want to be subject to recommender systems based on profiling and ensure that there is an option which is not based on profiling. In addition, online platforms should</u> ensure that recipients are appropriately informed, <u>on the use of recommender systems, and that recipients</u> and can influence the information presented to them <u>through making active choices.</u> They should clearly present the main parameters for such recommender systems in an easily comprehensible <u>and user-friendly</u> manner to ensure that the recipients understand how information is prioritised for them. They should also ensure that the recipients enjoy alternative options, the reason why, and how to modify the parameters used to curate the content presented for the main parameters, including options that are not based on profiling of the recipient recipients. <u>Very large online platforms should implement</u></p>	<p>amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, The obligations on assessment and mitigation of risks should trigger, on a case-by-case basis, the need for providers of very large online platforms and of very large online search engines to assess and adjust the design of their recommender systems, for example by taking measures to prevent or minimise biases that lead to the discrimination of persons in vulnerable situations, in particular where this is in conformity with data protection law and when the information is personalised on the basis of special categories of personal data, within the meaning of Article 9 of the Regulation (EU) 2016/679. In addition, providers of very large online platforms and of very large online search engines should consistently ensure that recipients of the service 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 of the service understand how information is</p>	

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		<u><i>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.</i></u>	prioritised for them. They should also ensure that the recipients of the service enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.	
Recital 63				
74	(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of	(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of	(63) Advertising systems used by very large online platforms and very large online search engines pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's or search engine's online interface. Providers of very large online platforms and of very large online search engines should ensure public access to repositories of advertisements displayed presented on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security,	

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	advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned.	advertisements, <u>including the name of the product, service or brand and the object of the advertisement</u> , and related data on the advertiser, <u>and, if different, the natural or legal person who paid for the advertisement</u> , and the delivery of the advertisement, in particular where targeted advertising is concerned. <u>In addition, very large online platforms should label any known deep fake videos, audio or other files.</u>	civilcivic discourse, political participation, and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned. This information should include both information about targeting criteria and delivery criteria, in particular when advertisements are delivered to persons in vulnerable situations, such as minors.	
Recital 64				
75	(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	(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 <u>and algorithms</u> . 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	(64) In order to appropriately supervise monitor and assess the compliance of very large online platforms and very large online search engines 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 or search engine's systems, data on the accuracy, functioning and testing of algorithmic systems for content	

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	<p>outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.</p>	<p>processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by <u>vetted</u> researchers, <u>vetted not-for-profit bodies, organisations or associations</u>, on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers, <u>not-for-profit bodies, organisations or associations</u>. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including <u>personal data</u>, trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service. <u>Vetted researchers, not-for-profit bodies, organisations or associations should guarantee the confidentiality, security and integrity of the information, such as</u></p>	<p>moderation, recommender systems or advertising systems, including, where appropriate training data and algorithms, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. 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. 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, online search engines, 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 and very large online search engines to researchersto vetted researchers. All requirements by the Digital Services Coordinator of establishment of a very large online platform provider, or the</p>	

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		<u>trade secrets, that they obtain when performing their tasks.</u>	Commission. All requests 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 or the search engine and any other parties concerned, including the recipients of the service. In addition, where data is publicly accessible, the providers of very large online platforms should not prevent researchers meeting a appropriate subset of criteria from using this data for research purposes that contribute to the detection, identification and understanding of systemic risks. Providers and researchers should also pay particular attention to the protection of personal data. Providers should anonymise or pseudonymise personal data except in those cases that would render impossible the research purpose pursued.	
Recital 65				
76	(65) Given the complexity of the functioning of the systems deployed and the systemic risks they present to society, very large online	(65) Given the complexity of the functioning of the systems deployed and the systemic risks they present to society, very large online	(65) Given the complexity of the functioning of the systems deployed and the systemic risks they present to society, providers of very large	

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	platforms should appoint compliance officers, which should have the necessary qualifications to operationalise measures and monitor the compliance with this Regulation within the platform's organisation. Very large online platforms should ensure that the compliance officer is involved, properly and in a timely manner, in all issues which relate to this Regulation. In view of the additional risks relating to their activities and their additional obligations under this Regulation, the other transparency requirements set out in this Regulation should be complemented by additional transparency requirements applicable specifically to very large online platforms, notably to report on the risk assessments performed and subsequent measures adopted as provided by this Regulation.	platforms should appoint compliance officers, which should have the necessary qualifications to operationalise measures and monitor the compliance with this Regulation within the platform's organisation. Very large online platforms should ensure that the compliance officer is involved, properly and in a timely manner, in all issues which relate to this Regulation. In view of the additional risks relating to their activities and their additional obligations under this Regulation, the other transparency requirements set out in this Regulation should be complemented by additional transparency requirements applicable specifically to very large online platforms, notably to report on the risk assessments performed and subsequent measures adopted as provided by this Regulation.	online platforms and of very large online search engines should appoint establish a compliance officersfunction , which should be independent from the operational functions of the providers. The head of the compliance function should report directly to the management of the provider, including for concerns of non-compliance with this Regulation. The compliance officers that are part of the compliance function should have the necessary qualifications, knowledge, experience and ability to operationalise measures and monitor the compliance with this Regulation within the organisation of the providers of very large online platform's organisation or of very large online search engine. Providers of very large online platforms and of very large online search engines should ensure that the compliance officer function is involved, properly and in a timely manner, in all issues which relate to this Regulation. In view of the additional risks relating to their activities and their additional obligations under this Regulation, the other transparency requirements set out in this Regulation should be complemented by additional	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>transparency requirements applicable specifically to including in the risk assessment and mitigation strategy and specific measures, as well as assessing compliance, where applicable, with commitments made by the provider of very large online platforms, notably to report on the risk assessments performed and subsequent measures adopted as provided by this Regulation platform or of very large online search engine under the codes of conduct they subscribe to.</p>	
Recital 65a				
76a			<p>(65a) In view of the additional risks relating to their activities and their additional obligations under this Regulation, additional transparency requirements should apply specifically to very large online platforms and very large online search engines, notably to report comprehensively on the risk assessments performed and subsequent measures adopted as provided by this Regulation.</p>	
Recital 66				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
77	<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 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>(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 submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories, <u>or about terms and conditions</u>. 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. <u>In the absence of relevant standards agreed within [24 months after the entry into force of this Regulation], the Commission should be able to establish technical specifications by implementing acts until a voluntary standard is agreed.</u></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 complysupport providers of intermediary services in complying with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or standards relating to audits, or about the interoperability of advertisement repositories. Providers of intermediary services are free to adopt the standards, but their adoption does not presume compliance with this Regulation. At the same time, by providing best practices, 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>	
Recital 67				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
78	<p>(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.</p>	<p>(67) The Commission and the Board should encourage the drawing-up of codes of conduct <u>as well as the compliance with the provisions of these codes</u> to contribute to the application of this Regulation. <u>The Commission and the Board should aim that the codes of conduct clearly define the nature of the public interest objectives being addressed, that they contain mechanisms for independent evaluation of the achievement of these objectives and that the role of competent authorities is clearly defined.</u> While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain circumstances, it is important that very large online platforms cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of</p>	<p>(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation. While the implementation of codes of conduct should be measurable and subject to public oversight, this should not impair the voluntary nature of such codes and the freedom of interested parties to decide whether to participate. In certain circumstances, it is important that providers of very large online platforms and of very large online search engines cooperate in the drawing-up and adhere to specific codes of conduct. Nothing in this Regulation prevents other service providers from adhering to the same standards of due diligence, adopting best practices and benefitting from the guidance provided by the Commission and the Board, by participating in the same codes of conduct.</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		conduct.		
Recital 68				
79	(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's	(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation, or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake <i>intentionally inaccurate</i> or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an	(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities or any adverse effects on minors . This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake <i>inaccurate</i> or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children <i>minors</i> . In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform or a very large online search engine may be considered as an appropriate risk mitigating	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.	online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.	measure. The refusal without proper explanations by a provider of an online platform or of an online search engine of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform or the online search engine has infringed the obligations laid down by this Regulation. The mere fact of participating in a given Code of Conduct should not in itself presume compliance with this Regulation.	
Recital 69				
80	(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action	(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced <u>The Commission should also encourage</u>	(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action	

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	Plan.	<i><u>the development of codes of conduct to facilitate compliance with obligations in areas, such as protection of minors or short-term rental. Other areas for consideration could be to promote diversity of information through support of high quality journalism and to foster credibility of information, whilst respecting confidentiality of journalistic sources. Moreover, it is important to ensure consistency with already existing enforcement mechanisms, such as those in the European Democracy Action Plan area of electronic communications or media and with independent regulatory structures in these fields as defined by Union and national law.</u></i>	Plan.	
Recital 70				
81	(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms and very large online platforms set	(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms and very large online platforms set	(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms, very large online platforms and	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	<p>out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported, technically sound, effective and offer the highest levels of user-friendliness to ensure that the transparency obligations achieve their objectives.</p>	<p>out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported, technically sound, effective and offer the highest levels of user-friendliness to ensure that the transparency obligations achieve their objectives. <u><i>The effectiveness of the codes of conduct should be regularly assessed. Unlike legislation, codes of conduct are not subject to democratic scrutiny and their compliance with fundamental rights is not subject to judicial review. In order to enhance accountability, participation and transparency, procedural safeguards for drawing up codes of conduct are needed. Before initiating or facilitating the drawing-up or the revision of codes of conduct, the Commission may invite where appropriate, the Fundamental Rights Agency or the European Data Protection Supervisor to express their opinion.</i></u></p>	<p>very large online platformssearch engines set out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported, technically sound, effective and offer the highest levels of user-friendliness to ensure that the transparency obligations achieve their objectives.</p>	
Recital 71				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
82	<p>(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of crisis protocols to coordinate a rapid, collective and cross-border response in the online environment. Extraordinary circumstances may entail any unforeseeable event, such as earthquakes, hurricanes, pandemics and other serious cross-border threats to public health, war and acts of terrorism, where, for example, online platforms may be misused for the rapid spread of illegal content or disinformation or where the need arises for rapid dissemination of reliable information. In light of the important role of very large online platforms in disseminating information in our societies and across borders, such platforms should be encouraged in drawing up and applying specific crisis protocols. Such crisis protocols should be activated only for a limited period of time and the measures adopted should also be limited to what is strictly necessary to address the extraordinary circumstance. Those measures should be consistent with this Regulation, and should not amount</p>	<p>(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of <u>voluntary</u> crisis protocols to coordinate a rapid, collective and cross-border response in the online environment. Extraordinary circumstances may entail any unforeseeable event, such as earthquakes, hurricanes, pandemics and other serious cross-border threats to public health, war and acts of terrorism, where, for example, online platforms may be misused for the rapid spread of illegal content or disinformation or where the need arises for rapid dissemination of reliable information. In light of the important role of very large online platforms in disseminating information in our societies and across borders, such platforms should be encouraged in drawing up and applying specific crisis protocols. Such crisis protocols should be activated only for a limited period of time and the measures adopted should also be limited to what is strictly necessary to address the extraordinary circumstance. Those measures should be consistent with this Regulation, and should not amount</p>	<p>(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of crisis protocols to coordinate a rapid, collective and cross-border response in the online environment. Extraordinary circumstances may entail any unforeseeable event, such as earthquakes, hurricanes, pandemics and other serious cross-border threats to public health, war and acts of terrorism, where, for example, online platforms may be misused for the rapid spread of illegal content or disinformation or where the need arises for rapid dissemination of reliable information. In light of the important role of very large online platforms in disseminating information in our societies and across borders, providers of such platforms should be encouraged in drawing up and applying specific crisis protocols. Such crisis protocols should be activated only for a limited period of time and the measures adopted should also be limited to what is strictly necessary to address the extraordinary circumstance. Those measures should be consistent with this Regulation, and should not amount</p>	

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	to a general obligation for the participating very large online platforms to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content.	to a general obligation for the participating very large online platforms to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content.	to a general obligation for the participating providers of very large online platforms and of very large online search engines to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content.	
Recital 72				
83	(72) The task of ensuring adequate oversight and enforcement of the obligations laid down in this Regulation should in principle be attributed to the Member States. To this end, they should appoint at least one authority with the task to apply and enforce this Regulation. Member States should however be able to entrust more than one competent authority, with specific supervisory or enforcement tasks and competences concerning the application of this Regulation, for example for specific sectors, such as electronic communications' regulators, media regulators or consumer protection authorities, reflecting their domestic constitutional, organisational and administrative structure.	(72) The task of ensuring adequate oversight and enforcement of the obligations laid down in this Regulation should in principle be attributed to the Member States. To this end, they should appoint designate at least one authority with the task to apply and enforce this Regulation. Member States should however be able to entrust more than one competent authority, with specific supervisory or enforcement tasks and competences concerning the application of this Regulation, for example for specific sectors, such as electronic communications' regulators, media regulators or consumer protection authorities, reflecting their domestic constitutional, organisational and administrative structure.	(72) The task of ensuring In order to ensure adequate oversight and enforcement of the obligations laid down in this Regulation, Member States should in principle be attributed to the Member States. To this end, they should appoint at least one authority with the task to apply and enforce this Regulation designate at least one authority with the task to supervise and enforce this Regulation, without prejudice to the possibility to designate an existing authority and to its legal form in accordance to national law. Member States should however be able to entrust more than one competent authority, with specific supervisory or enforcement tasks and competences concerning the application of this Regulation, for example for specific sectors, such as	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>electronic communications’ regulators, media regulators or consumer protection authorities, reflecting their domestic constitutional, organisational and administrative structure, where also existing authorities may be empowered with these tasks. In the exercise of their tasks, all competent authorities should contribute to the achievement of the objectives of this Regulation, namely to the proper functioning of the internal market for intermediary services where the harmonised rules for a safe, predictable and trusted online environment laid down in this Regulation, and in particular the due diligence obligations applicable to different categories of providers of intermediary services, are effectively supervised and enforced, with a view to ensure that fundamental rights, as enshrined in the Charter, are effectively protected. On the other hand, this Regulation does not require Member States to confer to competent authorities the task to adjudicate on the lawfulness of specific items of content.</p>	
Recital 73				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
84	<p>(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the Commission, the Board, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure effective involvement of all relevant authorities in the supervision and</p>	<p>(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, the authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to apply and enforce this Regulation, only one authority in that Member State should be identified<u>designated</u> as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the Commission, the Board, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks, and should ensure effective involvement of all relevant authorities in the</p>	<p>(73) Given the cross-border nature of the services at stake and the horizontal range of obligations introduced by this Regulation, theone authority appointed with the task of supervising the application and, where necessary, enforcing this Regulation should be identified as a Digital Services Coordinator in each Member State. Where more than one competent authority is appointed to applysupervise and enforce this Regulation, only one authority in that Member State should be identified as a Digital Services Coordinator. The Digital Services Coordinator should act as the single contact point with regard to all matters related to the application of this Regulation for the Commission, the Board, the Digital Services Coordinators of other Member States, as well as for other competent authorities of the Member State in question. In particular, where several competent authorities are entrusted with tasks under this Regulation in a given Member State, the Digital Services Coordinator should coordinate and cooperate with those authorities in accordance with the national law setting their respective tasks and without prejudice to the independent</p>	

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	enforcement at Union level.	supervision and enforcement at Union level.	assessment of the other competent authorities. While not entailing any hierarchical supraordination over other competent authorities in the exercise of their tasks, the Digital Services Coordinator, and should ensure effective involvement of all relevant competent authorities and should timely report their assessment in the context of cooperation on supervision and enforcement at Union level. Moreover, in addition to the specific mechanisms provided for in this Regulation as regards cooperation at European level, Member State should also ensure cooperation among the Digital Services Coordinator and other competent authorities designated at national level, where applicable, thorough appropriate tools, such as by pooling of resources, joint task forces, joint investigations and mutual assistance mechanisms.	
Recital 74				
85	(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down	(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down	(74) The Digital Services Coordinator, as well as other competent authorities designated under this Regulation, play a crucial role in ensuring the effectiveness of the rights and obligations laid down	

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	<p>in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions, including from the government, and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators, the Board and the Commission. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate.</p>	<p>in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities <u>have the necessary financial and human resources to carry out their tasks under this Regulation. It is also necessary to ensure that those authorities</u> act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions, including from the government, and without prejudice to the specific duties to cooperate with other competent authorities, the Digital Services Coordinators, the Board and the Commission. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms regarding their financial expenditure or to judicial review, or that they should not have the possibility to consult other national authorities, including law enforcement authorities or crisis management authorities, where appropriate.</p>	<p>in this Regulation and the achievement of its objectives. Accordingly, it is necessary to ensure that those authorities have the necessary means to supervise all the providers of intermediary services under their jurisdiction, in the interest of all Union citizens. Given the variety of providers of intermediary services and their use of advanced technology in providing their services, it is also essential that the Digital Services Coordinator and the relevant competent authorities are equipped with the necessary number of staff and experts with specialised skills, advanced technical means, and that they autonomously manage financial resources to carry out their tasks. Furthermore, the level of resources should take into account the size, complexity and potential societal impact of the providers under their jurisdiction, as well as the reach of their services across the Union. Those authorities should also act in complete independence from private and public bodies, without the obligation or possibility to seek or receive instructions, including from the government, and without prejudice to the specific duties to cooperate</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			<p>with other competent authorities, the Digital Services Coordinators, the Board and the Commission. On the other hand, the independence of these authorities should not mean that they cannot be subject, in accordance with national constitutions and without endangering the achievement of the objectives of this Regulation, to national control or monitoring mechanisms</p> <p>regarding proportionate accountability mechanisms regarding the general activities of the Digital Services Coordinators, such as their financial expenditure or to judicial review, or that they should not have or reporting to the national parliaments. It should also not prevent the exercise of judicial review, or the possibility to consult or regularly exchange views with other national authorities, including law enforcement authorities or, crisis management authorities or consumer protection authorities, where appropriate, such as informing each other about ongoing investigations, without affecting the exercise of their respective powers.</p>	
Recital 75				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
86	(75) Member States can designate an existing national authority with the function of the Digital Services Coordinator, or with specific tasks to apply and enforce this Regulation, provided that any such appointed authority complies with the requirements laid down in this Regulation, such as in relation to its independence. Moreover, Member States are in principle not precluded from merging functions within an existing authority, in accordance with Union law. The measures to that effect may include, inter alia, the preclusion to dismiss the President or a board member of a collegiate body of an existing authority before the expiry of their terms of office, on the sole ground that an institutional reform has taken place involving the merger of different functions within one authority, in the absence of any rules guaranteeing that such dismissals do not jeopardise the independence and impartiality of such members.	(75) Member States can designate an existing national authority with the function of the Digital Services Coordinator, or with specific tasks to apply ^{supervise the application} and enforce this Regulation, provided that any such appointed authority complies with the requirements laid down in this Regulation, such as in relation to its independence. Moreover, Member States are in principle not precluded from merging functions within an existing authority, in accordance with Union law. The measures to that effect may include, inter alia, the preclusion to dismiss the President or a board member of a collegiate body of an existing authority before the expiry of their terms of office, on the sole ground that an institutional reform has taken place involving the merger of different functions within one authority, in the absence of any rules guaranteeing that such dismissals do not jeopardise the independence and impartiality of such members.	(75) Member States can designate an existing national authority with the function of the Digital Services Coordinator, or with specific tasks to apply ^{supervise} and enforce this Regulation, provided that any such appointed authority complies with the requirements laid down in this Regulation, such as in relation to its independence. Moreover, Member States are in principle not precluded from merging functions within an existing authority, in accordance with Union law. The measures to that effect may include, inter alia, the preclusion to dismiss the President or a board member of a collegiate body of an existing authority before the expiry of their terms of office, on the sole ground that an institutional reform has taken place involving the merger of different functions within one authority, in the absence of any rules guaranteeing that such dismissals do not jeopardise the independence and impartiality of such members.	
Recital 76				
87	(76) In the absence of a general requirement for providers of intermediary services to ensure a	(76) In the absence of a general requirement for providers of intermediary services to ensure a	(76) In the absence of a general requirement for providers of intermediary services to ensure a	

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	<p>physical presence within the territory of one of the Member States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle of ne bis in idem is respected. To that aim, each Member State that exercises jurisdiction in respect of such providers should, without undue</p>	<p>physical presence within the territory of one of the Member States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV<u>this Regulation</u> by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle of ne bis in idem is respected. To that aim, each Member State that exercises jurisdiction in respect of such</p>	<p>physical presence within the territory of one of the Member States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle of ne bis in idem is respected. To that aim, each Member State that exercises jurisdiction in respect of such providers should, without undue</p>	

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	delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction.	providers should, without undue delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction.	delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction. [amended and moved to recital 84-a)]	
Recital 77				
88	(77) Member States should provide the Digital Services Coordinator, and any other competent authority designated under this Regulation, with sufficient powers and means to ensure effective investigation and enforcement. Digital Services Coordinators should in particular be able to search for and obtain information which is located in its territory, including in the context of joint investigations, with due regard to the fact that oversight and enforcement measures concerning a provider under the jurisdiction of another Member State should be adopted by the Digital Services Coordinator of that other Member State, where relevant in accordance with the procedures relating to cross-border cooperation.	(77) Member States should provide the Digital Services Coordinator, and any other competent authority designated under this Regulation, with sufficient powers and means to ensure effective investigation and enforcement. Digital Services Coordinators should in particular be able to <u>adopt proportionate interim measures in case of risk of serious harm, as well as to</u> search for and obtain information which is located in its territory, including in the context of joint investigations, with due regard to the fact that oversight and enforcement measures concerning a provider under the jurisdiction of another Member State should be adopted by the Digital Services Coordinator of that other Member State, where relevant in accordance with the procedures relating to cross-border cooperation.	(77) Member States should provide the Digital Services Coordinator, and any other competent authority designated under this Regulation, with sufficient powers and means to ensure effective investigation and enforcement, in accordance with the tasks conferred on them. This includes the power of competent authorities to adopt interim measures in accordance with national law in case of risk of serious harm. Such interim measures, which may include orders to terminate or remedy a given alleged infringement, should not go beyond what is necessary to ensure that serious harm is prevented pending the final decision. Digital Services Coordinators should in particular be able to search for and obtain information which is located in its territory, including in the context of joint investigations, with due regard to the fact that oversight and	

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			enforcement measures concerning a provider under the jurisdiction of another Member State or the Commission should be adopted by the Digital Services Coordinator of that other Member State, where relevant in accordance with the procedures relating to cross-border cooperation, or, where applicable, by the Commission.	
Recital 78				
89	(78) Member States should set out in their national law, in accordance with Union law and in particular this Regulation and the Charter, the detailed conditions and limits for the exercise of the investigatory and enforcement powers of their Digital Services Coordinators, and other competent authorities where relevant, under this Regulation.	(78) Member States should set out in their national law, in accordance with Union law and in particular this Regulation and the Charter, the detailed conditions and limits for the exercise of the investigatory and enforcement powers of their Digital Services Coordinators, and other competent authorities where relevant, under this Regulation. <u><i>In order to ensure consistent and uniform application of this Regulation, the Commission should adopt guidance on the rules and procedures related to the powers of Digital Services Coordinators.</i></u>	(78) Member States should set out in their national law, in accordance with Union law and in particular this Regulation and the Charter, the detailed conditions and limits for the exercise of the investigatory and enforcement powers of their Digital Services Coordinators, and other competent authorities where relevant, under this Regulation.	
Recital 79				
90	(79) In the course of the exercise of	(79) In the course of the exercise of	(79) In the course of the exercise of	

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	<p>those powers, the competent authorities should comply with the applicable national rules regarding procedures and matters such as the need for a prior judicial authorisation to enter certain premises and legal professional privilege. Those provisions should in particular ensure respect for the fundamental rights to an effective remedy and to a fair trial, including the rights of defence, and, the right to respect for private life. In this regard, the guarantees provided for in relation to the proceedings of the Commission pursuant to this Regulation could serve as an appropriate point of reference. A prior, fair and impartial procedure should be guaranteed before taking any final decision, including the right to be heard of the persons concerned, and the right to have access to the file, while respecting confidentiality and professional and business secrecy, as well as the obligation to give meaningful reasons for the decisions. This should not preclude the taking of measures, however, in duly substantiated cases of urgency and subject to appropriate conditions and procedural arrangements. The exercise of powers should also be proportionate to, inter alia the nature</p>	<p>those powers, the competent authorities should comply with the applicable national rules regarding procedures and matters such as the need for a prior judicial authorisation to enter certain premises and legal professional privilege. Those provisions should in particular ensure respect for the fundamental rights to an effective remedy and to a fair trial, including the rights of defence, and, the right to respect for private life. In this regard, the guarantees provided for in relation to the proceedings of the Commission pursuant to this Regulation could serve as an appropriate point of reference. A prior, fair and impartial procedure should be guaranteed before taking any final decision, including the right to be heard of the persons concerned, and the right to have access to the file, while respecting confidentiality and professional and business secrecy, as well as the obligation to give meaningful reasons for the decisions. This should not preclude the taking of measures, however, in duly substantiated cases of urgency and subject to appropriate conditions and procedural arrangements. The exercise of powers should also be proportionate to, inter alia the nature</p>	<p>those powers, the competent authorities should comply with the applicable national rules regarding procedures and matters such as the need for a prior judicial authorisation to enter certain premises and legal professional privilege. Those provisions should in particular ensure respect for the fundamental rights to an effective remedy and to a fair trial, including the rights of defence, and, the right to respect for private life. In this regard, the guarantees provided for in relation to the proceedings of the Commission pursuant to this Regulation could serve as an appropriate point of reference. A prior, fair and impartial procedure should be guaranteed before taking any final decision, including the right to be heard of the persons concerned, and the right to have access to the file, while respecting confidentiality and professional and business secrecy, as well as the obligation to give meaningful reasons for the decisions. This should not preclude the taking of measures, however, in duly substantiated cases of urgency and subject to appropriate conditions and procedural arrangements. The exercise of powers should also be proportionate to, inter alia the nature</p>	

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	and the overall actual or potential harm caused by the infringement or suspected infringement. The competent authorities should in principle take all relevant facts and circumstances of the case into account, including information gathered by competent authorities in other Member States.	and the overall actual or potential harm caused by the infringement or suspected infringement. The competent authorities should in <i>principle</i> take all relevant facts and circumstances of the case into account, including information gathered by competent authorities in other Member States.	and the overall actual or potential harm caused by the infringement or suspected infringement. The competent authorities should in principle take all relevant facts and circumstances of the case into account, including information gathered by competent authorities in other Member States.	
Recital 80				
91	(80) Member States should ensure that violations of the obligations laid down in this Regulation can be sanctioned in a manner that is effective, proportionate and dissuasive, taking into account the nature, gravity, recurrence and duration of the violation, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the infringer. In particular, penalties should take into account whether the provider of intermediary services concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, as well as, where relevant, whether the provider is active in several Member States.	(80) Member States should ensure that violations of the obligations laid down in this Regulation can be sanctioned in a manner that is effective, proportionate and dissuasive, taking into account the nature, gravity, recurrence and duration of the violation, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the infringer. In particular, penalties should take into account whether the provider of intermediary services concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, as well as, where relevant, <u>the number of recipients affected, the intentional or negligent character of the infringement and</u> whether the	(80) Member States should ensure that violations of the obligations laid down in this Regulation can be sanctioned in a manner that is effective, proportionate and dissuasive, taking into account the nature, gravity, recurrence and duration of the violation, in view of the public interest pursued, the scope and kind of activities carried out, as well as the economic capacity of the infringer. In particular, penalties should take into account whether the provider of intermediary services concerned systematically or recurrently fails to comply with its obligations stemming from this Regulation, as well as, where relevant, whether the provider is active in several Member States. Where this Regulation provides for a maximum amount of fines or	

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		provider is active in several Member States. <u>The Commission should issue guidance to Member States concerning the criteria and conditions to impose proportionate penalties.</u>	of a periodic penalty payment, this maximum amount should apply per infringement of this Regulation and without prejudice to the modulation of the fines or periodic penalty payments for specific infringements. Member States should ensure that the imposition of fines or periodic penalty payments in respect of infringements should in each individual case be effective, proportionate and dissuasive by setting up national rules and procedures in accordance with this Regulation, taking into account all the above mentioned criteria concerning the general conditions for imposing the fines or periodic penalty payments.	
Recital 81				
92	(81) In order to ensure effective enforcement of this Regulation, individuals or representative organisations should be able to lodge any complaint related to compliance with this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction. Complaints should provide a faithful	(81) In order to ensure effective enforcement of <u>the obligations, laid down in</u> this Regulation, individuals or representative organisations should be able to lodge any complaint related to compliance with this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction.	(81) In order to ensure effective enforcement of this Regulation, individuals or representative organisations should be able to lodge any complaint related to compliance with the obligations laid down in this Regulation with the Digital Services Coordinator in the territory where they received the service, without prejudice to this Regulation's rules on jurisdiction	

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	overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of intermediary services concerned is established, if the issue requires cross-border cooperation.	Complaints should provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of intermediary services concerned is established, if the issue requires cross-border cooperation. <u>The Digital Services Coordinator of establishment should assess the complaint in a timely manner and inform the Digital Services Coordinator of the Member State where the recipient resides or is established, on how the complaint has been handled.</u>	and to the applicable rules on handling of complaints in accordance with national principles of good administration. Complaints should could provide a faithful overview of concerns related to a particular intermediary service provider's compliance and could also inform the Digital Services Coordinator of any more cross-cutting issues. The Digital Services Coordinator should involve other national competent authorities as well as the Digital Services Coordinator of another Member State, and in particular the one of the Member State where the provider of intermediary services concerned is established, if the issue requires cross-border cooperation.	
Recital 82				
93	(82) Member States should ensure that Digital Services Coordinators can take measures that are effective in addressing and proportionate to certain particularly serious and persistent infringements. Especially where those measures can affect the	(82) Member States should ensure that Digital Services Coordinators can take measures that are effective in addressing and proportionate to certain particularly serious and persistent infringements <u>of this Regulation.</u> Especially where those	(82) Member States should ensure that Digital Services Coordinators can take measures that are effective in addressing and proportionate to certain particularly serious and persistent infringements of this Regulation. Especially where those	

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	rights and interests of third parties, as may be the case in particular where the access to online interfaces is restricted, it is appropriate to require that the measures be ordered by a competent judicial authority at the Digital Service Coordinators' request and are subject to additional safeguards. In particular, third parties potentially affected should be afforded the opportunity to be heard and such orders should only be issued when powers to take such measures as provided by other acts of Union law or by national law, for instance to protect collective interests of consumers, to ensure the prompt removal of web pages containing or disseminating child pornography, or to disable access to services are being used by a third party to infringe an intellectual property right, are not reasonably available.	measures can affect the rights and interests of third parties, as may be the case in particular where the access to online interfaces is restricted, it is appropriate to require that the measures be ordered by a competent judicial authority at the Digital Service Coordinators' request and are subject to additional safeguards. In particular, third parties potentially affected should be afforded the opportunity to be heard and such orders should only be issued when powers to take such measures as provided by other acts of Union law or by national law, for instance to protect collective interests of consumers, to ensure the prompt removal of web pages containing or disseminating child pornography, or to disable access to services are being used by a third party to infringe an intellectual property right, are not reasonably available.	measures can affect the rights and interests of third parties, as may be the case in particular where the access to online interfaces is restricted, it is appropriate to require that the measures be ordered by a competent judicial authority at the Digital Service Coordinators' request and are subject to additional safeguards. In particular, third parties potentially affected should be afforded the opportunity to be heard and such orders should only be issued when powers to take such measures as provided by other acts of Union law or by national law, for instance to protect collective interests of consumers, to ensure the prompt removal of web pages containing or disseminating child pornography, or to disable access to services are being used by a third party to infringe an intellectual property right, are not reasonably available.	
Recital 83				
94	(83) Such an order to restrict access should not go beyond what is necessary to achieve its objective. For that purpose, it should be temporary and be addressed in principle to a provider of	(83) Such an order to restrict access should not go beyond what is necessary to achieve its objective. For that purpose, it should be temporary and be addressed in principle to a provider of	(83) Such an order to restrict access should not go beyond what is necessary to achieve its objective. For that purpose, it should be temporary and be addressed in principle to a provider of	

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	intermediary services, such as the relevant hosting service provider, internet service provider or domain registry or registrar, which is in a reasonable position to achieve that objective without unduly restricting access to lawful information.	intermediary services, such as the relevant hosting service provider, internet service provider or domain registry or registrar, which is in a reasonable position to achieve that objective without unduly restricting access to lawful information.	intermediary services, such as the relevant hosting service provider, internet service provider or domain registry or registrar, which is in a reasonable position to achieve that objective without unduly restricting access to lawful information.	
Recital 83a				
94a		<p><u>(83a) Without prejudice to the provisions on the exemption from liability, provided for in this Regulation as regards the information transmitted or stored at the request of a recipient of the service, providers of intermediary services should be liable for the infringement of their obligations laid down in this Regulation. Recipients of the service and organisations representing them should be entitled to have access to proportionate and effective remedies. They should in particular have the right to seek, in accordance with national or Union law, compensation from those providers of intermediary services against any direct damage or loss suffered due to an infringement by providers of intermediary services of obligations established under this Regulation.</u></p>		

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Recital 84				
95	(84) The Digital Services Coordinator should regularly publish a report on the activities carried out under this Regulation. Given that the Digital Services Coordinator is also made aware of orders to take action against illegal content or to provide information regulated by this Regulation through the common information sharing system, the Digital Services Coordinator should include in its annual report the number and categories of these orders addressed to providers of intermediary services issued by judicial and administrative authorities in its Member State.	(84) The Digital Services Coordinator should regularly publish a report <u>in a standardised and machine-readable format</u> on the activities carried out under this Regulation. Given that the Digital Services Coordinator is also made aware of orders to take action against illegal content or to provide information regulated by this Regulation through the common information sharing <u>system, based on the Internal Market Information</u> system, the Digital Services Coordinator should include in its annual report the number and categories of these orders addressed to providers of intermediary services issued by judicial and administrative authorities in its Member State.	(84) The Digital Services Coordinator should regularly publish, for example on its website , a report on the activities carried out under this Regulation. In particular, the report should include an overview of complaints received and of their follow-up, such as the overall number of complaints received, the number of complaints that led to the opening of a formal investigation or to the transmission to other Digital Services Coordinators, without referring to any personal data. Given that the Digital Services Coordinator is also made aware of orders to take action against illegal content or to provide information regulated by this Regulation through the common information sharing system, the Digital Services Coordinator should include in its annual report the number and categories of these orders addressed to providers of intermediary services issued by judicial and administrative authorities in its Member State.	
Recital 84-a				

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95a			<p>(84-a) In the absence of a general requirement for providers of intermediary services to ensure a physical presence within the territory of one of the Member States, there is a need to ensure clarity under which competence those providers fall for the purposes of supervising and enforcing the obligations set out in this Regulation by the national competent authorities or by the Commission, including judicial remedies against their decisions, in accordance with Chapter IV of this Regulation. This competence is therefore without prejudice to private international law rules concerning conflict of jurisdiction and laws applicable to court proceedings based on this Regulation and brought by natural persons or legal persons other than national competent authorities, such as proceedings brought by consumers in the courts of the Member State where they are domiciled in accordance with Union law in the field of judicial cooperation in civil matters. It is also without prejudice to any other jurisdictional rules applicable to obligations on providers of</p>	

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			<p>intermediary services pursuant to other Union law or national law in compliance with Union law, such as the jurisdiction for the application and enforcement of consumer protection law or the jurisdiction for disputes on specific items of content. It also applies only to the obligations placed by this Regulation upon intermediary services to inform the issuing authority of the effect given to the orders to act against illegal content and orders to provide information adopted in accordance with this Regulation, but not to the order itself. A provider should be under the competence of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have competence, considering the function of legal representatives</p>	

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			<p>under this Regulation. In the interest of the effective application of this Regulation, all Member States or the Commission, where applicable, should, however, have competence in respect of providers that failed to designate a legal representative, provided that the provider is not subject to enforcement proceedings for the same facts by another Member State or the Commission. To that aim, each Member State that exercises competence in respect of such providers should, without undue delay, inform all other Member States of the measures they have taken in the exercise of that competence through the information sharing system to be used for all communications among authorities pursuant to this Regulation. In such cases, priority should be given to the earliest among those proceedings and all existing proceedings in other Member States concerning the same conduct should be suspended.</p>	
Recital 84-b				
95b			(84-b) In order to achieve the objectives of this Regulation there	

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			<p>is a need to ensure its effective public enforcement and provide for clear rules on the allocation of supervisory and enforcement tasks between the national competent authorities and the Commission. The Commission should be responsible, with the support of national competent authorities, for oversight and public enforcement of systemic issues, such as issues with a wide impact on collective interests of recipients of the service, which are most notably associated with the provision of intermediary services by very large online platforms or very large online search engines. Therefore, the Commission should be empowered for the supervision and enforcement of all due diligence obligations on the providers of very large online platforms or of very large online search engines. The Commission should be exclusively responsible for the obligations on those providers to manage systemic risks referred to in Section 4 of Chapter III of this Regulation. In case of an individual issue, such as an individual complaint or an individual instance of malfunctioning of notice and action system that do not point to</p>	

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			any systemic infringement, the competent authorities in the Member State of establishment of providers of such services should remain empowered, to the extent that the Commission has not initiated any proceedings on such issue, for the supervision and enforcement of the due diligence obligations on those providers, because those national competent authorities of establishment may be often best placed to address such cases. Systemic infringement could include issues of particular gravity or risk, such as those affecting multiple Member States or serious repeated infringements, or lack of functional systems as required by this Regulation. This should also be without prejudice to the administrative tasks assigned to national competent authorities of the Member State of establishment, such as the vetting of researchers.	
Recital 84a				
95c			(84a) Given the cross-border and cross-sectoral relevance of intermediary services, a high level of cooperation is necessary to ensure the consistent application	

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			<p>of this Regulation and the availability of relevant information for the exercise of enforcement tasks through the information sharing system. Cooperation may take different forms depending on the issues at stake, without prejudice to specific joint investigation exercises. It is in any case necessary that the Digital Services Coordinator of establishment of a provider of intermediary services informs other Digital Services Coordinators about issues, investigations and actions which are going to be taken vis à vis such a provider. Moreover, when a competent authority in a Member State holds relevant information for an investigation carried out by the competent authorities in the Member State of establishment, or is able to gather such information located in its territory to which the competent authorities in the Member State of establishment do not have access, the Digital Services Coordinator of destination should assist the Digital Services Coordinator of establishment in a timely manner, including through the exercise of its powers of investigation in accordance with the applicable</p>	

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			national procedures and the Charter. The addressee of such investigatory measures should comply with them and be liable in case of failure to comply, and the competent authorities in the Member State of establishment should be able to rely on the information gathered through mutual assistance, in order to ensure compliance with this Regulation.	
Recital 85				
96	(85) Where a Digital Services Coordinator requests another Digital Services Coordinator to take action, the requesting Digital Services Coordinator, or the Board in case it issued a recommendation to assess issues involving more than three Member States, should be able to refer the matter to the Commission in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. The Commission, on the basis of the information made available by the concerned authorities, should accordingly be able to request the competent Digital Services Coordinator to re-assess the matter and take the necessary	(85) Where a Digital Services Coordinator requests another Digital Services Coordinator to take action, the requesting Digital Services Coordinator, or the Board in case it issued a recommendation to assess issues involving more than three Member States, should be able to refer the matter to the Commission in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures. The Commission, on the basis of the information made available by the concerned authorities, should accordingly be able to request the competent Digital Services Coordinator to re-assess the matter and take the necessary	(85) Where a The Digital Services Coordinator requests another of destination, in particular on the basis of complaints received or of the input of other national competent authorities where appropriate, or the Board in case of issues involving at least three Member States, should be able to ask the Digital Services Coordinator of establishment to take investigatory or enforcement actions with regard to a provider under its competence. Where a single Digital Services Coordinator requests such action, it should be based on well-substantiated evidence showing the existence of an alleged	

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	<p>measures to ensure compliance within a defined time period. This possibility is without prejudice to the Commission's general duty to oversee the application of, and where necessary enforce, Union law under the control of the Court of Justice of the European Union in accordance with the Treaties. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the Commission's intervention under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform</p>	<p>measures to ensure compliance within a defined time period. This possibility is without prejudice to the Commission's general duty to oversee the application of, and where necessary enforce, Union law under the control of the Court of Justice of the European Union in accordance with the Treaties. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the Commission's intervention under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform</p>	<p>infringement with negative impact on collective interests of the recipients of the service in its Member State or having a negative societal impact. The the requesting Digital Services Coordinator, or the Board in case it issued a recommendation to assess issues involving more than three Member States, of establishment should be able to rely on mutual assistance or invite the requesting Digital Services Coordinator to a joint investigation in case further information is needed to take a decision. The Board should be able to refer the matter to the Commission in case of any disagreement as to the assessments or the measures taken or proposed or a failure to adopt any measures in accordance with this Regulation. Where the Commission, on the basis of the information made available by the concerned authorities, considers that the proposed measures, including the proposed level of fines, cannot ensure the effective enforcement of the obligations laid down in this Regulation, it should accordingly be able to express its serious doubts and request the competent Digital Services Coordinator to re-assess the matter and take the necessary</p>	

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			measures to ensure compliance with this Regulation within a defined time period. This possibility is without prejudice to the Commission's general duty to oversee the application of, and where necessary enforce, Union law under the control of the Court of Justice of the European Union in accordance with the Treaties. A failure by the Digital Services Coordinator of establishment to take any measures pursuant to such a request may also lead to the Commission's intervention under Section 3 of Chapter IV of this Regulation, where the suspected infringer is a very large online platform	
Recital 86				
97	(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by this Regulation. Those activities may include other competent authorities and may cover a variety of issues,	(86) In order to facilitate cross-border supervision and investigations involving several Member States, the Digital Services Coordinators should be able to participate, on a permanent or temporary basis, in joint oversight and investigation activities concerning matters covered by this Regulation <u>on the basis of an agreement between the Member States concerned, and in the</u>	(86) In order to facilitate cross-border supervision and investigations of obligations laid down in this Regulation involving several Member States, the Digital Services Coordinators of establishment should be able, through the information sharing system, to invite other Digital Services Coordinators to a to participate, on a permanent or temporary basis, in joint oversight	

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	<p>ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The Board may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with participation of the authorities involved.</p>	<p><u>absence of agreement, under the authority of the Digital Services Coordinator of the Member State of establishment</u>. Those activities may include other competent authorities and may cover a variety of issues, ranging from coordinated data gathering exercises to requests for information or inspections of premises, within the limits and scope of powers available to each participating authority. The Board may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task-forces with participation of the authorities involved.</p>	<p>and investigation activities concerning matters covered by concerning an alleged infringement of this Regulation. Those activities may include Other Digital Services Coordinators, and other competent authorities where appropriate, should be able to join the investigation proposed by the Digital Services Coordinator of establishment, unless the latter considers that an excessive number of participating authorities may affect the effectiveness of the investigation taking into account the features of the alleged infringement and the lack of direct effects on the recipients of the service in those Member States. Joint investigation activities may include and may cover a variety of issues, ranging from actions to be coordinated by the Digital Services Coordinator of establishment in accordance with the availabilities of the participating authorities, such as coordinated data gathering exercises, pooling of resources, task forces, coordinated to requests for information or common inspections of premises, within the limits and scope of. All competent authorities participating in a joint investigation should cooperate</p>	

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			<p>with the Digital Services Coordinator of establishment, including by exercising their powers available to each of investigation within their territory, in accordance with the applicable national procedures. The joint investigation should be concluded within a given timeframe with a final report taking into account the contribution of all participating authority competent authorities. On the basis of this final report, the Digital Services Coordinator of establishment should communicate the preliminary position on the infringement, including the measures it intends to adopt or, where applicable, those that other competent authorities in that Member State intend to adopt. Also the Board, where this is requested by at least three Digital Services Coordinator of destination, may recommend to a Digital Services Coordinator of establishment to launch such joint investigation and give indications on its organisation. In such a case, the Board may refer the matter to the Commission also where the Digital Services Coordinator of establishment refuses to launch the investigation and the Board</p>	

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			does not agree with the justification given The Board may be requested to provide advice in relation to those activities, for example by proposing roadmaps and timelines for activities or proposing ad-hoc task forces with participation of the authorities involved.	
Recital 87				
98	(87) In view of the particular challenges that may emerge in relation to assessing and ensuring a very large online platform's compliance, for instance relating to the scale or complexity of a suspected infringement or the need for particular expertise or capabilities at Union level, Digital Services Coordinators should have the possibility to request, on a voluntary basis, the Commission to intervene and exercise its investigatory and enforcement powers under this Regulation.	(87) In view of the particular challenges that may emerge in relation to assessing and ensuring a very large online platform's compliance, for instance relating to the scale or complexity of a suspected infringement or the need for particular expertise or capabilities at Union level, Digital Services Coordinators should have the possibility to request, on a voluntary basis, the Commission to intervene and exercise its investigatory and enforcement powers under this Regulation.	(87) In view of the particular challenges that may emerge in relation to assessing and ensuring a very large online platform's compliance, for instance relating to the scale or complexity of a suspected infringement or the need for particular expertise or capabilities at Union level, Digital Services Coordinators should have the possibility to request, on a voluntary basis, the Commission to intervene and exercise its investigatory and enforcement powers under this Regulation.	
Recital 88				
99	(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level, which	(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level, which	(88) In order to ensure a consistent application of this Regulation, it is necessary to set up an independent advisory group at Union level, which	

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	should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to one representative per Member State.	should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to one representative per Member State. <u>The rules of procedure of the Board should ensure respecting the confidentiality of the information.</u>	should support the Commission and help coordinate the actions of Digital Services Coordinators. That European Board for Digital Services (‘the Board’) should consist of the Digital Services Coordinators, without prejudice to the possibility for Digital Services Coordinators to invite in its meetings or appoint ad hoc delegates from other competent authorities entrusted with specific tasks under this Regulation, where that is required pursuant to their national allocation of tasks and competences. In case of multiple participants from one Member State, the voting right should remain limited to one representative per Member State.	
Recital 89				
100	(89) The Board should contribute to achieving a common Union perspective on the consistent application of this Regulation and to cooperation among competent authorities, including by advising the Commission and the Digital Services Coordinators about appropriate investigation and enforcement	(89) The Board should contribute to achieving a common Union perspective on the consistent application of this Regulation and to cooperation among competent authorities, including by advising the Commission and the Digital Services Coordinators about appropriate investigation and enforcement	(89) The Board should contribute to achieving a common Union perspective on the consistent application of this Regulation and to cooperation among competent authorities, including by advising the Commission and the Digital Services Coordinators about appropriate investigation and enforcement	

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	measures, in particular vis à vis very large online platforms. The Board should also contribute to the drafting of relevant templates and codes of conduct and analyse emerging general trends in the development of digital services in the Union.	measures, in particular vis à vis very large online platforms. The Board should also contribute to the drafting of relevant templates and codes of conduct and analyse emerging general trends in the development of digital services in the Union.	measures, in particular vis à vis the providers of very large online platforms or very large online search engines . The Board should also contribute to the drafting of relevant templates and codes of conduct and analyse emerging general trends in the development of digital services in the Union.	
Recital 90				
101	(90) For that purpose, the Board should be able to adopt opinions, requests and recommendations addressed to Digital Services Coordinators or other competent national authorities. While not legally binding, the decision to deviate therefrom should be properly explained and could be taken into account by the Commission in assessing the compliance of the Member State concerned with this Regulation.	(90) For that purpose, the Board should be able to adopt opinions, requests and recommendations addressed to Digital Services Coordinators or other competent national authorities. While not legally binding, the decision to deviate therefrom should be properly explained and could be taken into account by the Commission in assessing the compliance of the Member State concerned with this Regulation. <u>The Board should draw up an annual report regarding its activities.</u>	(90) For that purpose, the Board should be able to adopt opinions, requests and recommendations addressed to Digital Services Coordinators or other competent national authorities. While not legally binding, the decision to deviate therefrom should be properly explained and could be taken into account by the Commission in assessing the compliance of the Member State concerned with this Regulation.	
Recital 91				
102	(91) The Board should bring together the representatives of the Digital Services Coordinators and	(91) The Board should bring together the representatives of the Digital Services Coordinators and	(91) The Board should bring together the representatives of the Digital Services Coordinators and	

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	possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.	possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, <u>gender equality and non-discrimination, eradication of all forms of violence against women and girls and other forms of gender-based violence</u> , data protection, <u>respect for intellectual property, competition</u> , electronic communications, audiovisual services, <u>market surveillance</u> , detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks.	possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men gender equality , and non-discrimination, data protection, electronic communications, audiovisual services, detection and investigation of frauds against the EU Union budget as regards custom duties, or consumer protection, or competition law , as necessary for the performance of its tasks.	
Recital 92				
103	(92) The Commission, through the Chair, should participate in the	(92) The Commission, through the Chair, should participate in the	(92) The Commission, through the Chair, should participate in the	

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	Board without voting rights. Through the Chair, the Commission should ensure that the agenda of the meetings is set in accordance with the requests of the members of the Board as laid down in the rules of procedure and in compliance with the duties of the Board laid down in this Regulation.	Board without voting rights. Through the Chair, the Commission should ensure that the agenda of the meetings is set in accordance with the requests of the members of the Board as laid down in the rules of procedure and in compliance with the duties of the Board laid down in this Regulation.	Board without voting rights. Through the Chair, the Commission should ensure that the agenda of the meetings is set in accordance with the requests of the members of the Board as laid down in the rules of procedure and in compliance with the duties of the Board laid down in this Regulation.	
Recital 93				
104	(93) In view of the need to ensure support for the Board's activities, the Board should be able to rely on the expertise and human resources of the Commission and of the competent national authorities. The specific operational arrangements for the internal functioning of the Board should be further specified in the rules of procedure of the Board.	(93) In view of the need to ensure support for the Board's activities, the Board should be able to rely on the expertise and human resources of the Commission and of the competent national authorities. The specific operational arrangements for the internal functioning of the Board should be further specified in the rules of procedure of the Board.	(93) In view of the need to ensure support for the Board's activities, the Board should be able to rely on the expertise and human resources of the Commission and of the competent national authorities. The specific operational arrangements for the internal functioning of the Board should be further specified in the rules of procedure of the Board.	
Recital 94				
105	(94) Given the importance of very large online platforms, in view of their reach and impact, their failure to comply with the specific obligations applicable to them may affect a substantial number of recipients of the services across different Member States and may	(94) Given the importance of very large online platforms, in view of their reach and impact, their failure to comply with the specific obligations applicable to them may affect a substantial number of recipients of the services across different Member States and may	(94) Given the importance of very large online platforms or very large online search engines , in view of their reach and impact, their failure to comply with the specific obligations applicable to them may affect a substantial number of recipients of the services across	

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	cause large societal harms, while such failures may also be particularly complex to identify and address.	cause large societal harms, while such failures may also be particularly complex to identify and address.	different Member States and may cause large societal harms, while such failures may also be particularly complex to identify and address. For this reason the Commission, in cooperation with the Digital Services Coordinators and the Board, should develop the Union expertise and capabilities as regards the very large online platforms or very large online search engines. The Commission should therefore be able to coordinate and rely on the expertise and resources of such authorities, for example by analysing, on a permanent or temporary basis, specific trends or issues emerging with regard to one or more very large online platforms or very large online search engines. In order to develop the Union expertise and capabilities, the Commission may also draw on the expertise and capabilities of the Observatory on the Online Platform Economy as set up in Commission Decision of 26 April 2018 (C(2018) 2392), relevant expert bodies, as well as centres of excellence. The Commission may invite experts with specific expertise, including in particular vetted researchers within the meaning of Article 31,	

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			representatives of Union agencies and bodies, industry representatives, associations representing users or civil society, international organisations, experts from the private sector as well as other stakeholders.	
Recital 95				
106	(95) In order to address those public policy concerns it is therefore necessary to provide for a common system of enhanced supervision and enforcement at Union level. Once an infringement of one of the provisions that solely apply to very large online platforms has been identified, for instance pursuant to individual or joint investigations, auditing or complaints, the Digital Services Coordinator of establishment, upon its own initiative or upon the Board's advice, should monitor any subsequent measure taken by the very large online platform concerned as set out in its action plan. That Digital Services Coordinator should be able to ask, where appropriate, for an additional, specific audit to be carried out, on a voluntary basis, to establish whether those measures are sufficient to address the	(95) In order to address those public policy concerns it is therefore necessary to provide for a common system of enhanced supervision and enforcement at Union level. Once an infringement of one of the provisions that solely apply to very large online platforms has been identified, for instance pursuant to individual or joint investigations, auditing or complaints, the Digital Services Coordinator of establishment, upon its own initiative or upon the Board's advice, should monitor any subsequent measure taken by the very large online platform concerned as set out in its action plan. That Digital Services Coordinator should be able to ask, where appropriate, for an additional, specific audit to be carried out, on a voluntary basis, to establish whether those measures are sufficient to address the	(95) In order to address those public policy concerns it is therefore necessary to provide for a common system of enhanced supervision and enforcement at Union level. Once an infringement of one of the provisions that solely apply to very large online platforms has been identified, for instance pursuant to individual or joint investigations, auditing or complaints, the Digital Services Coordinator of establishment, upon its own initiative or upon the Board's advice, should monitor any subsequent measure taken by the very large online platform concerned as set out in its action plan. That Digital Services Coordinator should be able to ask, where appropriate, for an additional, specific audit to be carried out, on a voluntary basis, to establish whether those measures are sufficient to address the	

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	infringement. At the end of that procedure, it should inform the Board, the Commission and the platform concerned of its views on whether or not that platform addressed the infringement, specifying in particular the relevant conduct and its assessment of any measures taken. The Digital Services Coordinator should perform its role under this common system in a timely manner and taking utmost account of any opinions and other advice of the Board.	infringement. At the end of that procedure, it should inform the Board, the Commission and the platform concerned of its views on whether or not that platform addressed the infringement, specifying in particular the relevant conduct and its assessment of any measures taken. The Digital Services Coordinator should perform its role under this common system in a timely manner and taking utmost account of any opinions and other advice of the Board.	infringement. At the end of that procedure, it should inform the Board, the Commission and the platform concerned of its views on whether or not that platform addressed the infringement, specifying in particular the relevant conduct and its assessment of any measures taken. The Digital Services Coordinator should perform its role under this common system in a timely manner and taking utmost account of any opinions and other advice of the Board.	
Recital 96				
107	(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	(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 <u>should</u> , on its own initiative or upon advice of the Board, decide to initiate further investigate <u>investigation on</u> 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	(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	

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	<p>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 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.</p>	<p>finding an infringement and imposing sanctions in respect of very large online platforms where that is justified. It should also have <i>such a possibility to</i> 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 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. <u><i>The Commission should initiate proceedings in view of the possible adoption of decisions in respect of the relevant conduct by the very large online platform for example where that platform is suspected of having infringed this Regulation including where the platform has been found to not implement the operational recommendations from the independent audit that has been endorsed by Digital Services Coordinator of establishment and where the Digital Services Coordinator of establishment did not take any investigatory or enforcement measures.</i></u></p>	<p>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 where the Digital Services Coordinator of establishment itself requested for The Commission should be able to investigate infringements on its own initiative in accordance with the powers provided for in this Regulation, including by asking access to data, by requesting information or by performing inspections, as well as by relying on the support of the Digital Services Coordinators. Where supervision by the competent national authorities of individual alleged infringements points to systemic issues, such as issues with a wide impact on collective interests of recipients of the service, the Digital Services Coordinators should be able to, on the basis of duly reasoned request, refer such issues to the Commission. Such a request should contain, at least, all the necessary facts and circumstances supporting the alleged</p>	

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			<p>infringement and its systemic nature. Depending on the outcome of its own assessment, the Commission to intervene, in respect of an infringement of any other provision of should be able to take the necessary investigative and enforcement measures pursuant to this Regulation, including where relevant launching an investigation or adopting interim measures committed by a very large online platform.</p>	
Recital 97				
108	<p>(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 ne bis in idem. However, in the interest of effectiveness, those Digital Services</p>	<p>(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 ne bis in idem. However, in the interest of effectiveness, those Digital Services</p>	<p>(97) In order to effectively perform its tasks, 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 maintain a margin of discretion as to the decision to initiate proceedings against providers of very large online platforms or of very large online search engine. Once the Commission initiated the proceedings, the Digital Services Coordinators of establishment concerned should be precluded from exercising their investigatory investigative and</p>	

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	<p>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 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>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 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>enforcement powers in respect of the relevantconcerned conduct of the provider of the very large online platform concerned or of very large online search engine, so as to avoid duplication, inconsistencies and risks from the viewpoint of the principle of ne bis in idem. The Commission, 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 should be able to ask for the individual or joint contribution of the Digital Services Coordinators to the investigation. In accordance with the duty of sincere cooperation, the Digital Services Coordinator should make its best efforts in fulfilling justified and proportionate requests by the Commission in the context of an investigation. Moreover, the Digital Services Coordinators Coordinator of establishment, as well as the Board and any other Digital Services Coordinators where relevant, should provide the</p>	

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			<p>Commission with all necessary information and assistance to allow it to perform its tasks effectively, whilstincluding information gathered in the context other data gathering or data access exercises, to the extent that this is not precluded by the legal basis according to which the information has been gathered.</p> <p>Conversely, the Commission should keep themthe Digital Services Coordinator of establishment and the Board 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 and in particular when it intends to initiate the proceeding and exercise its investigatory powers. Moreover, when stating its objections vis à vis the concerned providers of very large online platforms or of very large online search engines, the Commission should also communicate these. The Board should provide its views on the objections and assessment made by the</p>	

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			Commission's powers and responsibility to carry out additional investigations as necessary, which should take this opinion into account in the reasoning underpinning Commission's final decision.	
Recital 97a				
108a		<u>(97a) The Commission should ensure that it is independent and impartial in its decision making in regards to both Digital Services Coordinators and providers of services under this Regulation.</u>		
Recital 98				
109	(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the Commission should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and	(98) In view of both the particular challenges that may arise in seeking to ensure compliance by very large online platforms and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the Commission should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the principle of proportionality and the rights and	(98) In view of both the particular challenges that may arise in seeking to ensure compliance by providers of very large online platforms or of very large online search engines and the importance of doing so effectively, considering their size and impact and the harms that they may cause, the Commission should have strong investigative and enforcement powers to allow it to investigate, enforce and monitor certain of the rules laid down in this Regulation, in full respect of the	

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	interests of the affected parties.	interests of the affected parties.	fundamental right to be heard and to have access to the file in the context of enforcement proceedings , the principle of proportionality and the rights and interests of the affected parties.	
Recital 99				
110	(99) In particular, the Commission should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The Commission should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the	(99) In particular, the Commission, should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The Commission should be able to directly require that the very large online platform concerned or relevant third parties, or than ^{that} individuals, provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the	(99) The Commission should be able to request information necessary for the purpose of ensuring the effective implementation of and compliance with the obligations laid down in this Regulation, throughout the Union. In particular, the Commission should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The Commission should be able to directly require by means of a duly substantiated request for information that the provider of the very large online platform or of	

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	<p>purpose of this Regulation. The Commission should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers</p>	<p>purpose of this Regulation. The Commission should be empowered to require access to, and explanations relating to, data-bases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers.</p>	<p>the very large online search engine concerned as well as any other natural or legal persons acting for purposes related to their trade, business, craft or profession that may be reasonably aware of information relating to the suspected infringement or the infringement, as applicableor relevant third parties, or than individuals, provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The Commission should be empoweredable to require access to, and explanations by means of exercise of investigatory powers, such as requests for information or interviews, relating to documents, data, information, data-bases and algorithms of relevant persons, and to interview, with their consent, any natural or legal persons who may be in possession of useful information and to record the statements made by any technical means. The Commission should also be empowered to undertake such</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers.	
Recital 99-a				
110a			(99-a) The Commission should be able to request information necessary for the purpose of ensuring the effective implementation of and compliance with the obligations laid down in this Regulation, throughout the Union. In particular, the Commission should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The Commission should be	

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			<p>able to directly require by means of a duly substantiated request for information that the provider of the very large online platform or of the very large online search engine concerned as well as any other natural or legal persons acting for purposes related to their trade, business, craft or profession that may be reasonably aware of information relating to the suspected infringement or the infringement, as applicable, provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State for the purpose of this Regulation. The Commission should be able to require access to, and explanations by means of exercise of investigatory powers, such as requests for information or interviews, relating to documents, data, information, data-bases and algorithms of relevant persons, and to interview, with their consent, any natural or legal persons who may be in possession of useful information and to record the statements made by any technical means. The Commission should also be</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers.	
Recital 99a				
110b			(99a) The Commission should be able to request information necessary for the purpose of ensuring the effective implementation of and compliance with the obligations laid down in this Regulation, throughout the Union. In particular, the Commission should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the	

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			<p>precise place where they are stored. The Commission should be able to directly require by means of a duly substantiated request for information that the provider of the very large online platform or of the very large online search engine concerned as well as any other natural or legal persons acting for purposes related to their trade, business, craft or profession that may be reasonably aware of information relating to the suspected infringement or the infringement, as applicable, provide any relevant evidence, data and information. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State for the purpose of this Regulation. The Commission should be able to require access to, and explanations by means of exercise of investigatory powers, such as requests for information or interviews, relating to documents, data, information, data-bases and algorithms of relevant persons, and to interview, with their consent, any natural or legal persons who may be in possession of useful information and to record the statements made by</p>	

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			any technical means. The Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information or in the exercise of those powers.	
Recital 100				
111	(100) Compliance with the relevant obligations imposed under this Regulation should be enforceable by means of fines and periodic penalty payments. To that end, appropriate levels of fines and periodic penalty payments should also be laid down for non-compliance with the obligations and breach of the procedural rules, subject to appropriate limitation periods.	(100) Compliance with the relevant obligations imposed under this Regulation should be enforceable by means of fines and periodic penalty payments. To that end, appropriate levels of fines and periodic penalty payments should also be laid down for non-compliance with the obligations and breach of the procedural rules, subject to appropriate limitation periods. <u>The Commission should in particular ensure that the penalties are effective, proportionate and dissuasive, taking into account the nature, gravity, recurrence and duration of the violation, in view of</u>	(100) Compliance with the relevant obligations imposed under this Regulation should be enforceable by means of fines and periodic penalty payments. To that end, appropriate levels of fines and periodic penalty payments should also be laid down for non-compliance with the obligations and breach of the procedural rules, subject to appropriate limitation periods. Since all decisions taken by the Commission under this Regulation are subject to review by the Court of Justice of the European Union in accordance with the Treaty, the Court of Justice should have	

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		<u>the public interest pursued, the scope and nature of activities carried out, the number of recipients affected, the intentional or negligent character of the infringement as well as the economic capacity of the infringer.</u>	unlimited jurisdiction in respect of fines and penalty payments in accordance with Article 261 of the Treaty.	
Recital 100a				
111a			(100a) Given the potential significant societal effects of an infringement of the obligations that solely apply to very large online platforms and very large online search engines and in order to address those public policy concerns, it is necessary to provide for a system of enhanced supervision of any action undertaken to effectively terminate and remedy infringements of this Regulation. Therefore once an infringement of one of the provisions of this Regulation that solely apply to very large online platforms or very large online search engines has been ascertained and, where necessary, sanctioned, the Commission should request the provider of such platform or of such search engine to draw a detailed action plan to remedy any	

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			<p>effect of the infringement for the future. The Commission, taking into account the opinion of the Board, should establish whether the measures included in the action plan are sufficient to address the infringement, taking also into account whether adherence to relevant code of conduct is included among the measures proposed. The Commission should also monitor any subsequent measure taken by the provider of a very large online platform or of a very large online search engine concerned as set out in its action plan, taking into account also an independent audit of the provider. If at the end of implementation of the action plan the Commission still considers that the infringement has not been fully remedied, or if the action plan is considered not suitable, it should be able to use any investigative or enforcement powers pursuant to this Regulation, including periodic penalty payments on the provider and initiating the procedure to disable access to the infringing service.</p>	
Recital 101				

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112	(101) The very large online platforms concerned and other persons subject to the exercise of the Commission's powers whose interests may be affected by a decision should be given the opportunity of submitting their observations beforehand, and the decisions taken should be widely publicised. While ensuring the rights of defence of the parties concerned, in particular, the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the Commission should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that lead up to the decision.	(101) The very large online platforms concerned and other persons subject to the exercise of the Commission's powers whose interests may be affected by a decision should be given the opportunity of submitting their observations beforehand, and the decisions taken should be widely publicised. While ensuring the rights of defence of the parties concerned, in particular, the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the Commission should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that lead up to the decision.	(101) The provider of the very large online platforms platform or of very large online search engine concerned and other persons subject to the exercise of the Commission's powers whose interests may be affected by a decision should be given the opportunity of submitting their observations beforehand, and the decisions taken should be widely publicised. While ensuring the rights of defence of the parties concerned, in particular, the right of access to the file, it is essential that confidential information be protected. Furthermore, while respecting the confidentiality of the information, the Commission should ensure that any information relied on for the purpose of its decision is disclosed to an extent that allows the addressee of the decision to understand the facts and considerations that lead up to the decision.	
Recital 101-a				
112a			(101-a) In order to safeguard the harmonised application and enforcement of this Regulation, it is important to ensure that national authorities, including	

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			national courts, have all necessary information to ensure that their decisions do not run counter to a decision adopted by the Commission under this Regulation. This is without prejudice to Article 267 of the Treaty.	
Recital 101a				
112b			(101a) The effective enforcement and monitoring of this Regulation requires a seamless and real-time exchange of information among the Digital Services Coordinators, the Board and the Commission, based on the information flows and procedures foreseen in this Regulation. This may also warrant access to this system by other competent authorities, where appropriate. At the same time, given that the information exchanged may be confidential or involving personal data, it should remain protected from unauthorised access, in accordance with the purposes for which the information has been gathered. For this reason all communications between these authorities should take place on the basis of a reliable and secure	

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			information sharing system, whose details should be laid down in an implementing act. The information sharing system may be based on existing internal market tools, to the extent that they can meet the objectives of this Regulation in a cost-effective manner.	
Recital 101b				
112c			<p>(101b) Without prejudice to the rights of recipients of services to turn to a representative in accordance with the Directive (EU) 2020/1828¹ or to any other type of representation under national law, recipients of the services should also have the right to mandate a legal person or a public body to exercise their rights provided for in this Regulation. Such rights may for example include the recipients of services rights related to the submission of notices, the challenging of the decisions taken by providers of intermediary services, and the lodging of complaints against the providers for infringing this Regulation.</p> <p>¹ Directive (EU) 2020/1828 of the</p>	

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			European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1).	
Recital 102				
113	(102) In the interest of effectiveness and efficiency, in addition to the general evaluation of the Regulation, to be performed within five years of entry into force, after the initial start-up phase and on the basis of the first three years of application of this Regulation, the Commission should also perform an evaluation of the activities of the Board and on its structure.	(102) <u>The Commission should carry out a general evaluation of this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee. This report should address in particular the definition of very large online platforms and the number of average monthly active recipients of the service. This report should also address the implementation of codes of conduct, as well as the obligation to designate a representative, established in the Union and assess the effect of similar obligations imposed by third countries on European service providers operating abroad. In particular, the Commissions should assess any impact of the costs to European service providers of any similar requirements, including to designate a legal representative, introduced by third countries and any new barriers to non-Union</u>	(102) In the interest of effectiveness and efficiency, in addition to the general evaluation of the Regulation, to be performed within five years of entry into force, after the initial start-up phase and on the basis of the first three years of application of this Regulation, the Commission should also perform an evaluation of the activities of the Board and on its structure.	

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		<p><u>market access after the adoption of this Regulation. The Commission should also assess the impact on the ability of European businesses and consumers to access and buy products and services from outside the Union.</u> In the interest of effectiveness and efficiency, in addition to the general evaluation of the Regulation, to be performed within five<u>three</u> years of entry into force, after the initial start-up phase and on the basis of the first three years of application of this Regulation, the Commission should also perform an evaluation of the activities of the Board and on its structure.</p>		
Recital 103				
114	<p>(103) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>¹. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms</p>	<p>(103) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>¹. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms</p>	<p>(103) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>¹. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms</p>	

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	for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 104				
115	(104) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect of criteria for identification of very large online platforms and of technical specifications for access requests. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	(104) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect of criteria for identification of very large online platforms and of technical specifications for access requests. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	(104) In order to fulfil the objectives of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect of criteria for identification of very large online platforms and of very large online search engines and of technical specifications for access requests. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation	

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			of delegated acts.	
Recital 105				
116	(105) This Regulation respects the fundamental rights recognised by the Charter and the fundamental rights constituting general principles of Union law. Accordingly, this Regulation should be interpreted and applied in accordance with those fundamental rights, including the freedom of expression and information, as well as the freedom and pluralism of the media. When exercising the powers set out in this Regulation, all public authorities involved should achieve, in situations where the relevant fundamental rights conflict, a fair balance between the rights concerned, in accordance with the principle of proportionality.	(105) This Regulation respects the fundamental rights recognised by the Charter and the fundamental rights constituting general principles of Union law. Accordingly, this Regulation should be interpreted and applied in accordance with those fundamental rights, including the freedom of expression and information, as well as the freedom and pluralism of the media. When exercising the powers set out in this Regulation, all public authorities involved should achieve, in situations where the relevant fundamental rights conflict, a fair balance between the rights concerned, in accordance with the principle of proportionality.	(105) This Regulation respects the fundamental rights recognised by the Charter and the fundamental rights constituting general principles of Union law. Accordingly, this Regulation should be interpreted and applied in accordance with those fundamental rights, including the freedom of expression and information, as well as the freedom and pluralism of the media. When exercising the powers set out in this Regulation, all public authorities involved should achieve, in situations where the relevant fundamental rights conflict, a fair balance between the rights concerned, in accordance with the principle of proportionality.	
Recital 106				
117	(106) Since the objective of this Regulation, namely the proper functioning of the internal market and to ensure a safe, predictable and trusted online environment in which the fundamental rights enshrined in the Charter are duly protected,	(106) Since the objective of this Regulation, namely the proper functioning of the internal market and to ensure a safe, predictable and trusted online environment in which the fundamental rights enshrined in the Charter are duly protected,	(106) Since the objective of this Regulation, namely the proper functioning of the internal market and to ensure a safe, predictable and trusted online environment in which the fundamental rights enshrined in the Charter are duly protected,	

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	cannot be sufficiently achieved by the Member States because they cannot achieve the necessary harmonisation and cooperation by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	cannot be sufficiently achieved by the Member States because they cannot achieve the necessary harmonisation and cooperation by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	cannot be sufficiently achieved by the Member States because they cannot achieve the necessary harmonisation and cooperation by acting alone, but can rather, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	
Recital 107				
117a			<p>(107) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on 10 February 2021²,</p> <p>¹ OJ L 295, 21.11.2018, p. 39. ² OJ C, p.</p>	
Formula				

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118	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
Chapter I				
119	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions	
Article 1				
120	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter, objectives and scope	
Article 1(-1)				
120a			0. The aim of this Regulation is to contribute to the proper functioning of the internal market for intermediary services by setting out harmonised rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.	
Article 1(1), introductory part				
121	1. This Regulation lays down harmonised rules on the provision of	1. This Regulation lays down harmonised rules on the provision of	1. This Regulation lays down harmonised rules on the provision of	

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	intermediary services in the internal market. In particular, it establishes:	intermediary services in the internal market. In particular, it establishes:	intermediary services in the internal market. In particular, it establishes:	
Article 1(1), point (a)				
122	(a) a framework for the conditional exemption from liability of providers of intermediary services;	(a) a framework for the conditional exemption from liability of providers of intermediary services;	(a) a framework for the conditional exemption from liability of providers of intermediary services;	
Article 1(1), point (b)				
123	(b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services;	(b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services;	(b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services;	
Article 1(1), point (c)				
124	(c) rules on the implementation and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities.	(c) rules on the implementation and enforcement of <u>the requirements set out in</u> this Regulation, including as regards the cooperation of and coordination between the competent authorities.	(c) rules on the implementation and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities.	
Article 1(2), introductory part				
125	2. The aims of this Regulation are to:	2. The aims of this Regulation are to:	2. The aims of this Regulation are to: [moved to paragraph 0]	
Article 1(2), point (a)				

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126	(a) contribute to the proper functioning of the internal market for intermediary services;	(a) contribute to the proper functioning of the internal market for intermediary services;	(a) contribute to the proper functioning of the internal market for intermediary services; moved to paragraph 0	
Article 1(2), point (b)				
127	(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.	(b) set out uniform harmonised rules for a safe, accessible , predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.	(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected. moved to paragraph 0	
Article 1(2), point (ba)				
127a		<u>(ba) promote a high level of consumer protection and contribute to increased consumer choice while facilitating innovation, support digital transition and encourage economic growth within the internal market.</u>		
Article 1(3)				
128	3. This Regulation shall apply to intermediary services provided to recipients of the service that have	3. This Regulation shall apply to intermediary services provided to recipients of the service that have	3. This Regulation shall apply to intermediary services provided offered to recipients of the	

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	their place of establishment or residence in the Union, irrespective of the place of establishment of the providers of those services.	their place of establishment or residence in the Union, irrespective of the place of establishment of the providers of those services. moved to new 1a	service that have their place of establishment or residence are located in the Union, irrespective of the place of establishment of the providers of those services.	
Article 1(4)				
129	4. This Regulation shall not apply to any service that is not an intermediary service or to any requirements imposed in respect of such a service, irrespective of whether the service is provided through the use of an intermediary service.	4. This Regulation shall not apply to any service that is not an intermediary service or to any requirements imposed in respect of such a service, irrespective of whether the service is provided through the use of an intermediary service. moved to new 1a	4. This Regulation shall not apply to any service that is not an intermediary service or to any requirements imposed in respect of such a service, irrespective of whether the service is provided through the use of an intermediary service.	
Article 1(4a)				
129a			4a. This Regulation shall not affect the application of Directive 2000/31/EC.	
Article 1(5), introductory part				
130	5. This Regulation is without prejudice to the rules laid down by the following:	5. This Regulation is without prejudice to the rules laid down by the following:	5. This Regulation is without prejudice to the rules laid down by other Union legal acts regulating other aspects of the provision of	

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		moved to new 1a	intermediary services in the internal market or specifying and complementing this Regulation, in particular, the following:	
Article 1(5), point (a)				
131	(a) Directive 2000/31/EC;	(a) Directive 2000/31/EC; moved to new 1a	(a) Directive 2000/31/EC;	
Article 1(5), point (b)				
132	(b) Directive 2010/13/EC;	(b) Directive 2010/13/EC; moved to new 1a	(b) Directive 2010/13/EC2010/13/EU;	
Article 1(5), point (c)				
133	(c) Union law on copyright and related rights;	(c) Union law on copyright and related rights; moved to new 1a	(c) Union law on copyright and related rights;	
Article 1(5), point (d)				
134	(d) Regulation (EU) .../... on preventing the dissemination of terrorist content online [TCO once adopted];	(d) Regulation (EU) .../... on preventing the dissemination of terrorist content online [TCO once adopted];	(d) Regulation (EU) .../... on preventing the dissemination of terrorist content online [TCO once adopted]2021/784;	

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		moved to new 1a		
Article 1(5), point (e)				
135	(e) Regulation (EU)on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU)laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings [e-evidence once adopted]	(e) Regulation (EU)on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU)laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings [e-evidence once adopted] moved to new 1a	(e) Regulation (EU)on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU)laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings [e-evidence once adopted]	
Article 1(5), point (f)				
136	(f) Regulation (EU) 2019/1148;	(f) Regulation (EU) 2019/1148; moved to new 1a	(f) Regulation (EU) 2019/1148;	
Article 1(5), point (g)				
137	(g) Regulation (EU) 2019/1150;	(g) Regulation (EU) 2019/1150; moved to new 1a	(g) Regulation (EU) 2019/1150;	
Article 1(5), point (h)				
138				

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	(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394;	(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394; moved to new 1a	(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394;	
Article 1(5), point (i)				
139	(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC.	(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. moved to new 1a	(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC.	
Article 1(5), point (ia)				
139a			(j) Union law in the field of judicial cooperation in civil matters, in particular Regulation (EU) 1215/2012 or any Union legal act in the field of law applicable to contractual and non-contractual obligations;	
Article 1(5), point (ib)				
139b			(k) Union law in the field of judicial cooperation in criminal matters, in particular Regulation (EU) .../... on European	

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			Production and Preservation Orders for electronic evidence in criminal matters;	
Article 1(5), point (ic)				
139c			(l) Directive (EU) .../... laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings.	
Article 1a				
139d		<u>Article 1a</u> <u>Scope</u>		
Article 1a(1)				
139e		<u>1. This Regulation shall apply to intermediary services provided to recipients of the service that have their place of establishment or residence in the Union, irrespective of the place of establishment of the providers of those services.</u>		
Article 1a(2)				
139f		<u>2. This Regulation shall not apply</u>		

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		<u>to any service that is not an intermediary service or to any requirements imposed in respect of such a service, irrespective of whether the service is provided through the use of an intermediary service.</u>		
Article 1a(3)				
139g		<u>3. This Regulation is without prejudice to the rules laid down by the following:</u> <u>(a) Directive 2000/31/EC;</u> <u>(b) Directive 2010/13/EC;</u> <u>(c) Union law on copyright and related rights, in particular Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market;</u> <u>(d) Regulation (EU) 2021/784 on addressing the dissemination of terrorist content online;</u> <u>(e) Regulation (EU)/....on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU)/....laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings [e-evidence once adopted]</u>		

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		<p><u>(f) Regulation (EU) 2019/1148;</u> <u>(g) Regulation (EU) 2019/1150;</u> <u>(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394, Regulation (EU) 2019/1020 and Directive 2001/95/EC on general product safety;</u> <u>(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC.</u> <u>(j) Directive (EU) 2019/882;</u> <u>(k) Directive (EU) 2018/1972;</u> <u>(l) Directive 2013/11/EU.</u></p>		
Article 1a(4)				
139h		<p><u>4. By [12 months after the entry into force of this Regulation] the Commission shall publish guidelines with regard to the relationship between this Regulation and the legal acts referred to in Article 1a (3).</u></p>		
Article 2				
140	Article 2	Article 2	Article 2	

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	Definitions	Definitions	Definitions	
Article 2, first paragraph, introductory part				
141	For the purpose of this Regulation, the following definitions shall apply:	For the purpose of this Regulation, the following definitions shall apply:	For the purpose of this Regulation, the following definitions shall apply:	
Article 2, first paragraph, point (a)				
142	(a) ‘information society services’ means services within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535;	(a) ‘information society services’ means services within the meaning of <u>as defined in</u> Article 1(1)(b) of Directive (EU) 2015/1535;	(a) ‘information society services service’ means services service within the meaning of a service as defined in Article 1(1)(b) of Directive (EU) 2015/1535;	
Article 2, first paragraph, point (b)				
143	(b) ‘recipient of the service’ means any natural or legal person who uses the relevant intermediary service;	(b) ‘recipient of the service’ means any natural or legal person who uses the relevant intermediary service <u>in order to seek information or to make it accessible</u> ;	(b) ‘recipient of the service’ means any natural or legal person who uses the relevant for professional ends or otherwise, uses an intermediary service, in particular for the purposes of seeking information or making it accessible ;	
Article 2, first paragraph, point (c)				
144	(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business or profession;	(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, <u>craft</u> , or profession;	(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, craft or profession;	

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Article 2, first paragraph, point (d), introductory part				
145	(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is deemed to exist where the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:	(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the <u>a</u> provider of information society services which has a substantial connection to the Union; such a substantial connection is deemed to exist where the provider has an establishment in <u>to</u> the Union; in the absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:	(d) ‘to offer services in the Union’ means enabling legal or natural <u>natural or legal</u> persons in one or more Member States to use the services of the provider of information society <u>intermediary</u> services which has a substantial connection to the Union; such a substantial connection is deemed to exist where the provider has an establishment in <u>to</u> the Union; in the absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:	
Article 2, first paragraph, point (da)				
145a		<u>(da) ‘substantial connection to the Union’ means the connection of a provider with one or more Member States resulting either from its establishment in the Union, or in the absence of such an establishment, from the fact that the provider directs its activities towards one or more Member States;</u>	(da) ‘substantial connection’ means a connection of a provider of intermediary services with the Union resulting either from its establishment in the Union or from specific factual criteria, such as:	
Article 2, first paragraph, point (d), first indent				

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146	- a significant number of users in one or more Member States; or	- a significant number of users in one or more Member States; or deleted	- a significant number of users recipients of the service in one or more Member States in relation to its or their population ; or	
Article 2, first paragraph, point (d), second indent				
147	- the targeting of activities towards one or more Member States.	- the targeting of activities towards one or more Member States. deleted	- the targeting of activities towards one or more Member States.	
Article 2, first paragraph, point (e)				
148	(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;	(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes directly relating to his or her trade, business, craft or profession;	(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;	
Article 2, first paragraph, point (f), introductory part				
149	(f) ‘intermediary service’ means one of the following services:	(f) ‘intermediary service’ means one of the following services:	(f) ‘intermediary service’ means one of the following information society services:	
Article 2, first paragraph, point (f), first indent				

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150	- a ‘mere conduit’ service that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network;	- a ‘mere conduit’ service that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network <u>including technical auxiliary functional services</u> ;	- a ‘mere conduit’ service that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network;	
Article 2, first paragraph, point (f), second indent				
151	- a ‘caching’ service that consists of the transmission in a communication network of information provided by a recipient of the service, involving the automatic, intermediate and temporary storage of that information, for the sole purpose of making more efficient the information's onward transmission to other recipients upon their request;	- a ‘caching’ service that consists of the transmission in a communication network of information provided by a recipient of the service, involving the automatic, intermediate and temporary storage of that information, <u>performed</u> for the sole purpose of making more efficient the information's onward transmission to other recipients upon their request;	- a ‘caching’ service that consists of the transmission in a communication network of information provided by a recipient of the service, involving the automatic, intermediate and temporary storage of that information, for the sole purpose of making more efficient the information's onward transmission to other recipients upon their request;	
Article 2, first paragraph, point (f), third indent				
152	- a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;	- a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;	- a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;	
Article 2, first paragraph, point (f), fourth indent				
152a				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			- an ‘online search engine’ service that allows recipients of the service to input queries in order to perform searches of, in principle, all websites, or all websites in a particular language, on the basis of a query on any subject in the form of a keyword, voice request, phrase or other input, and returns results in any format in which information related to the requested content can be found;	
Article 2, first paragraph, point (g)				
153	(g) ‘illegal content’ means any information,, which, in itself or by its reference to an activity, including the sale of products or provision of services is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;	(g) ‘illegal content’ means any information,, which, in itself or by its reference to an <u>or</u> activity, including the sale of products or provision of services <u>which</u> is not in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;	(g) ‘illegal content’ means any information,, which, in itself or by its reference to an activity, including the sale of products or provision of services, is not in compliance with Union law or the law of a any Member State which is in compliance with Union law , irrespective of the precise subject matter or nature of that law;	
Article 2, first paragraph, point (h)				
154	(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that	(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that	(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.	activity is a minor and/or a purely ancillary feature of another service <u>or functionality of the principal service</u> and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature <u>or functionality</u> into the other service is not a means to circumvent the applicability of this Regulation.	activity is a minor and purely ancillary feature of another service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation-;	
Article 2, first paragraph, point (i)				
155	(i) ‘dissemination to the public’ means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;	(i) ‘dissemination to the public’ means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;	(i) ‘dissemination to the public’ means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;	
Article 2, first paragraph, point (ia)				
155a			(ia) ‘online marketplace’ means an online platform which allows consumers to conclude distance contracts with traders;	
Article 2, first paragraph, point (j)				
156	(j) ‘distance contract’ means a contract within the meaning of Article 2(7) of Directive	(j) ‘distance contract’ means a contract within the meaning of Article 2(7) of Directive	(j) ‘distance contract’ means a contract within the meaning of as defined in Article 2(7) point (7) of	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	2011/83/EU;	2011/83/EU;	Directive 2011/83/EU;	
Article 2, first paragraph, point (k)				
157	(k) ‘online interface’ means any software, including a website or a part thereof, and applications, including mobile applications;	(k) ‘online interface’ means any software, including a website or a part thereof, and applications, including mobile applications <u>which enables the recipients of the service to access and interact with the relevant intermediary service;</u>	(k) ‘online interface’ means any software, including a website or a part thereof, and applications, including mobile applications;	
Article 2, first paragraph, point (ka)				
157a		<u>(ka) ‘trusted flagger’ means an entity that has been awarded such status by a Digital Services Coordinator;</u>		
Article 2, first paragraph, point (l)				
158	(l) ‘Digital Services Coordinator of establishment’ means the Digital Services Coordinator of the Member State where the provider of an intermediary service is established or its legal representative resides or is established;	(l) ‘Digital Services Coordinator of establishment’ means the Digital Services Coordinator of the Member State where the provider of an intermediary service is established or its legal representative resides or is established;	(l) ‘Digital Services Coordinator of establishment’ means the Digital Services Coordinator of the Member State where the provider of an intermediary service is established or its legal representative resides or is established;	
Article 2, first paragraph, point (m)				
159				

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	(m) ‘Digital Services Coordinator of destination’ means the Digital Services Coordinator of a Member State where the intermediary service is provided;	(m) ‘Digital Services Coordinator of destination’ means the Digital Services Coordinator of a Member State where the intermediary service is provided;	(m) ‘Digital Services Coordinator of destination’ means the Digital Services Coordinator of a Member State where the intermediary service is provided;	
Article 2, first paragraph, point (ma)				
159a			(ma) ‘active recipient of an online platform’ means the recipient of the service that has engaged with an online platform by either requesting the online platform to host content or being exposed to content hosted by the online platform and disseminated through their online interface;	
Article 2, first paragraph, point (mb)				
159b			(mb) ‘active recipient of an online search engine’ means a recipient of the service that has engaged with the online search engine by querying the online search engine and being exposed to content indexed and presented on its online interface;	
Article 2, first paragraph, point (n)				
160	(n) ‘advertisement’ means	(n) ‘advertisement’ means	(n) ‘advertisement’ means	

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	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;	information designed <u>and disseminated</u> 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 <u>in exchange</u> for promoting that information <u>message</u> ;	information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed presented by an online platform on its online interface against remuneration specifically for promoting that information;	
Article 2, first paragraph, point (na)				
160a		<u>(na) 'remuneration' means economic compensation consisting of direct or indirect payment for the service provided, including where the intermediary service provider is not directly compensated by the recipient of the service or where the recipient of the service provides data to the service provider, except where such data is collected for the sole purpose of meeting legal requirements;</u>		
Article 2, first paragraph, point (o)				
161	(o) 'recommender system' means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of	(o) 'recommender system' means a fully or partially automated system used by an online platform to suggest, <u>prioritise or curate</u> in its online interface specific information	(o) 'recommender system' means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of	

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	the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;	to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;	the service, including as a result of a search initiated by the recipient of the service or otherwise determining the relative order or prominence of information displayed;	
Article 2, first paragraph, point (p)				
162	(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) ‘content moderation’ means the activities, <u>either automated or not automated</u> , 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, <u>delisting, demonetisation</u> or removal thereof, or the recipients’ ability to provide that information, such as the termination or suspension of a recipient’s account;	(p) ‘content moderation’ means the activities, automated or not, in particular , 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, demonetisation , 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;	
Article 2, first paragraph, point (q)				
163	(q) ‘terms and conditions’ means all terms and conditions or specifications, irrespective of their	(q) ‘terms and conditions’ means all terms and conditions or specifications, <u>by the service</u>	(q) ‘terms and conditions’ means all terms and conditions or specifications clauses , irrespective of	

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	name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.	<u>provider</u> irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.	their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services;;	
Article 2, first paragraph, point (r)				
163a		<u>(qa) 'persons with disabilities' means persons with disabilities within the meaning of Article 3(1) of Directive (EU) 2019/882.</u>	(r) 'turnover' means the amount derived by an undertaking in accordance with Article 5(1) of Regulation (EC) No 139/2004.	
Chapter II				
164	Chapter II Liability of providers of intermediary services	Chapter II Liability of providers of intermediary services	Chapter II Liability of providers of intermediary services	
Article 3				
165	Article 3 'Mere conduit'	Article 3 'Mere conduit'	Article 3 'Mere conduit'	
Article 3(1), introductory part				
166	1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the	1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the	1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the	

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	provision of access to a communication network, the service provider shall not be liable for the information transmitted, on condition that the provider:	provision of access to a communication network, the service provider shall not be liable for the information transmitted, on condition that the provider:	provision of access to a communication network, the service provider shall not be liable for the information transmitted or accessed , on condition that the provider:	
Article 3(1), point (a)				
167	(a) does not initiate the transmission;	(a) does not initiate the transmission;	(a) does not initiate the transmission;	
Article 3(1), point (b)				
168	(b) does not select the receiver of the transmission; and	(b) does not select the receiver of the transmission; and	(b) does not select the receiver of the transmission; and	
Article 3(1), point (c)				
169	(c) does not select or modify the information contained in the transmission.	(c) does not select or modify the information contained in the transmission.	(c) does not select or modify the information contained in the transmission.	
Article 3(2)				
170	2. The acts of transmission and of provision of access referred to in paragraph 1 include the automatic, intermediate and transient storage of the information transmitted in so far as this takes place for the sole purpose of carrying out the	2. The acts of transmission and of provision of access referred to in paragraph 1 include the automatic, intermediate and transient storage of the information transmitted in so far as this takes place for the sole purpose of carrying out the	2. The acts of transmission and of provision of access referred to in paragraph 1 include the automatic, intermediate and transient storage of the information transmitted in so far as this takes place for the sole purpose of carrying out the	

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	transmission in the communication network, and provided that the information is not stored for any period longer than is reasonably necessary for the transmission.	transmission in the communication network, and provided that the information is not stored for any period longer than is reasonably necessary for the transmission.	transmission in the communication network, and provided that the information is not stored for any period longer than is reasonably necessary for the transmission.	
Article 3(3)				
171	3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	3. This Article shall not affect the possibility for a court ^{judicial} or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	
Article 4				
172	Article 4 'Caching'	Article 4 'Caching'	Article 4 'Caching' and online search engines	
Article 4(1), introductory part				
173	1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, the service provider shall not be liable for the automatic, intermediate and temporary storage of that	1. Where an information society service is provided that consists of the transmission in a -communication network of information provided by a recipient of the service, the service provider shall not be liable for the automatic, intermediate and temporary storage of that	1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or of an online search engine , the service provider shall not be liable for the automatic, intermediate and	

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	information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, on condition that:	information, performed for the sole purpose of making more efficient <u>or secure</u> the information's onward transmission to other recipients of the service upon their request, on condition that <u>the provider</u> :	temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, or for the search results locating the information related to the content requested by the recipient of the service , on condition that:	
Article 4(1), point (a)				
174	(a) the provider does not modify the information;	(a) the provider does not modify the information;	(a) the provider does not modify the information;	
Article 4(1), point (b)				
175	(b) the provider complies with conditions on access to the information;	(b) the provider complies with conditions on access to the information;	(b) the provider complies with conditions on access to the information;	
Article 4(1), point (c)				
176	(c) the provider complies with rules regarding the updating of the information, specified in a manner widely recognised and used by industry;	(c) the provider complies with rules regarding the updating of the information, specified in a manner widely recognised and used by industry;	(c) the provider complies with rules regarding the updating of the information, specified in a manner widely recognised and used by industry;	
Article 4(1), point (d)				

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177	(d) the provider does not interfere with the lawful use of technology, widely recognised and used by industry, to obtain data on the use of the information; and	(d) the provider does not interfere with the lawful use of technology, widely recognised and used by industry, to obtain data on the use of the information; and	(d) the provider does not interfere with the lawful use of technology, widely recognised and used by industry, to obtain data on the use of the information; and	
Article 4(1), point (e)				
178	(e) the provider acts expeditiously to remove or to disable access to the information it has stored upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or an administrative authority has ordered such removal or disablement.	(e) the provider acts expeditiously to remove or to disable access to the information it has stored upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or an administrative authority has ordered such removal or disablement.	(e) the provider acts expeditiously to remove or to disable access to the information it has stored, indexed or located upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or an administrative authority has ordered such removal or disablement.	
Article 4(2)				
179	2. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	2. This Article shall not affect the possibility for a court judicial or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	2. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	
Article 5				

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180	Article 5 Hosting	Article 5 Hosting	Article 5 Hosting	
Article 5(1), introductory part				
181	1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:	1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:	1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:	
Article 5(1), point (a)				
182	(a) does not have actual knowledge of illegal activity or illegal content and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent; or	(a) does not have actual knowledge of illegal activity or illegal content and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent; or	(a) does not have actual knowledge of illegal activity or illegal content and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent; or	
Article 5(1), point (b)				
183	(b) upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content.	(b) upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content.	(b) upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content.	

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Article 5(2)				
184	2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.	2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.	2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.	
Article 5(3)				
185	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 online platform itself or by a recipient of the service who is acting under its authority or control.	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 online platform itself or by a recipient of the service who is acting under its authority or control.	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 marketplace 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 average consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform marketplace itself or by a recipient of the service who is acting under its authority or control.	
Article 5(4)				
186	4. This Article shall not affect the	4. This Article shall not affect the	4. This Article shall not affect the	

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	possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	possibility for a court <u>judicial</u> or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	
Article 6				
187	Article 6 Voluntary own-initiative investigations and legal compliance	Article 6 Voluntary own-initiative investigations and legal compliance	Article 6 Voluntary own-initiative investigations and legal compliance	
Article 6, first paragraph				
188	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.	<u>1.</u> 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 <u>take measures</u> aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of <u>national and</u> Union law, including those <u>the Charter and the requirements</u> set out in this Regulation.	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 in good faith and in a diligent manner 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.	
Article 6 (1a)				

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188a		<u>1a. Providers of intermediary services shall ensure that voluntary own-initiative investigations carried out and measures taken pursuant to paragraph 1 shall be effective and specific. Such own initiative investigations and measures shall be accompanied by appropriate safeguards, such as human oversight, documentation, or any additional measure to ensure and demonstrate that those investigations and measures are accurate, non-discriminatory, proportionate, transparent and do not lead to over-removal of content. Providers of intermediary services shall make best efforts to ensure that where automated means are used, the technology is sufficiently reliable to limit to the maximum extent possible the rate of errors where information is wrongly considered as illegal content.</u>		
Article 7				
189	Article 7 No general monitoring or active fact-finding obligations	Article 7 No general monitoring or active fact-finding obligations	Article 7 No general monitoring or active fact-finding obligations	
Article 7, first paragraph				

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190	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.	<u>1. No general obligation to monitor, <i>neither de jure, nor de facto, through automated or non-automated means</i>, the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity <i>or for monitoring the behaviour of natural persons</i> shall be imposed on those providers.</u>	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.	
Article 7 (1a)				
190a		<u>1a. <i>Providers of intermediary services shall not be obliged to use automated tools for content moderation or for monitoring the behaviour of natural persons.</i></u>		
Article 7 (1b)				
190b		<u>1b. <i>Member States shall not prevent providers of intermediary services from offering end-to-end encrypted services.</i></u>		
Article 7 (1c)				
190c		<u>1c. <i>Member States shall not impose a general obligation on providers of</i></u>		

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		<i><u>intermediary services to limit the anonymous use of their services. Member States shall not oblige providers of intermediary services to generally and indiscriminately retain personal data of the recipients of their services. Any targeted retention of a specific recipient's data shall be ordered by a judicial authority in accordance with Union or national law.</u></i>		
Article 7 (1d)				
190d		<i><u>Id. Without prejudice to Regulation (EU) 2016/679 and Directive 2002/58/EC, providers shall make reasonable efforts to enable the use of and payment for that service without collecting personal data of the recipient.</u></i>		
Article 8				
191	Article 8 Orders to act against illegal content	Article 8 Orders to act against illegal content	Article 8 Orders to act against illegal content	
Article 8(1)				
192	1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of	1. Providers of intermediary services shall, upon the receipt <i><u>via a secure communications channel</u></i> of	1. Providers of intermediary services shall, upon the receipt of an order to act against one or more	

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	illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action taken and the moment when the action was taken.	an order to act against a <u>one or more</u> specific item <u>items</u> of illegal content, <u>received from and</u> issued by the relevant national judicial or administrative authorities; on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders, without undue delay, specifying the action <u>actions</u> taken and the moment when the action <u>actions were</u> taken.	specific item <u>items</u> of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity <u>compliance</u> with Union law, inform the authority issuing the order or any other authority specified in the order of the effect given to the orders, without undue delay, specifying if and when the order was applied and if the order was not given any effect, the reason thereof the action taken and the moment when the action was taken.	
Article 8(2), introductory part				
193	2. Member States shall ensure that the orders referred to in paragraph 1 meet the following conditions:	2. Member States shall ensure that the orders referred to in paragraph 1 meet the following conditions:	2. Member States shall ensure that the orders referred to in paragraph 1 meet at least the following conditions, when they are transmitted to the provider :	
Article 8(2), point (a), introductory part				
194	(a) the orders contains the following elements:	(a) the orders contains the following elements:	(a) the orders contains the following elements:	
Article 8(2), point (a), indent -1				
194a				

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		- <u>a reference to the legal basis for the order;</u>		
Article 8(2), point (a), point (i)				
195	- a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed;	- a <u>sufficiently detailed</u> statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law <u>infringed in conformity with Union law</u> ;	-(i) a statement of reasons explaining why the information is illegal content, by reference to the one or more specific provision provisions of Union or national law infringed;	
Article 8(2), point (a), indent 1a				
195a		- <u>identification of the issuing authority including the date, timestamp and electronic signature of the authority, that allows the recipient to authenticate the order and contact details of a person of contact within the said authority;</u>		
Article 8(2), point (a), point (ii)				
196	- one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content concerned;	- <u>a clear indication of the exact electronic location of that information, such as the exact URL or URLs where appropriate or when the exact electronic location is not precisely identifiable;</u> one or more exact uniform resource locators and, where necessary,	-(ii) one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content concerned information enabling the provider of intermediary services to identify and locate the illegal	

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		additional information enabling the identification of the illegal content concerned;	content concerned, such as one or more exact uniform resource locators (URL);	
Article 8(2), point (a), point (iii)				
197	- information about redress available to the provider of the service and to the recipient of the service who provided the content;	- <u>easily understandable</u> information about redress <u>mechanisms</u> available to the provider of the service and to the recipient of the service who provided the content, <u>including the deadlines for appeal</u> ;	-(iii) information about redress available to the provider of the service and to the recipient of the service who provided the content;	
Article 8(2), point (a), point (iv)				
197a		- <u>where necessary and proportionate, the decision not to disclose information about the removal of or disabling of access to the content for reasons of public security, such as the prevention, investigation, detection and prosecution of serious crime, not exceeding six weeks from that decision</u> ;	(iv) where applicable, information about which authority should receive the information about the effect given to the orders;	
Article 8(2), point (b)				
198	(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant,	(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law <u>in conformity with Union law</u> ,	(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant,	

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	general principles of international law, does not exceed what is strictly necessary to achieve its objective;	including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective; <u>the territorial scope of the order shall be limited to the territory of the Member State issuing the order unless the illegality of the content derives directly from Union law or the rights at stake require a wider territorial scope, in accordance with Union and international law;</u>	general principles of international law, does not exceed what is strictly necessary to achieve its objective;	
Article 8(2), point (c)				
199	(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10.	(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10: <u>or in one of the official languages of the Member State that issues the order against the specific item of illegal content; in such case, the point of contact of the service provider may request the competent authority to provide translation into the language declared by the provider;</u>	(c) the order is drafted in the language transmitted in one of the languages declared by the provider pursuant to Article 10(3) or in another official language of the Union, bilaterally agreed by the authority issuing the order and the provider, and is sent to the electronic point of contact, appointed by the designated by that provider, in accordance with Article 10. Where the order is not drafted in the language declared by the provider or in another language bilaterally agreed, the order may be transmitted in the language of the authority issuing the order, provided that it is accompanied by	

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			a translation of at least the elements set out in points (a) and (b) of this paragraph.	
Article 8(2), point (ca)				
199a		<u>(ca) the order is in compliance with Article 3 of Directive 2000/31/EC;</u>		
Article 8(2), point (cb)				
199b		<u>(cb) where more than one provider of intermediary services is responsible for hosting the specific items of illegal content, the order is issued to the most appropriate provider that has the technical and operational ability to act against those specific items.</u>		
Article 8(2a)				
199c		<u>2a. The Commission shall adopt implementing acts in accordance with Article 70, after consulting the Board, laying down a specific template and form for the orders, referred to in paragraph 1.</u>	2a. The authority issuing the order or, where applicable the authority specified in the order, shall transmit the order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.	

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Article 8(2b)				
199d		<p><u>2b. Providers of intermediary services who received an order shall have a right to an effective remedy. The Digital Services Coordinator of the Member State of establishment may choose to intervene on behalf of the provider in any redress, appeal or other legal processes in relation to the order.</u></p> <p><u>The Digital Services Coordinator of the Member State of establishment may request the authority issuing the order to withdraw or repeal the order or adjust the territorial scope of the order to what is strictly necessary. Where such a request is refused, the Digital Services Coordinator of the Member State of establishment shall be entitled to seek the annulling, ceasing or adjustment of the effect of the order before the judicial authorities of the Member States issuing the order. Such proceedings shall be completed without undue delay.</u></p>		
Article 8(2c)				
199e		<u>2c. If the provider cannot comply</u>		

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		<u>with the removal order because it contains manifest errors or does not contain sufficient information for its execution, it shall, without undue delay, inform the judicial or administrative authority that issued the order asking for the necessary clarification.</u>		
Article 8(2d)				
199f		<u>2d. The authority issuing the order shall transmit that order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.</u>		
Article 8(3)				
200	3. The Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.	3. The Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.	3. The Digital Services Coordinator After receiving the order from the Member State of the judicial or administrative authority issuing the order judicial or administrative authority, the Digital Services Coordinator from that Member State shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			Coordinators through the system established in accordance with Article 67.	
Article 8(3a)				
200a			3a. Providers of intermediary services shall inform the recipient of the service who provided the content, at the latest at the time when the order was applied, of the order received and the effect given to it, or, where applicable, at the time provided by the issuing authority in its order. Such information to the recipient of the service shall, at least, include the statement of reasons, redress possibilities, and the territorial scope of the order, as included in the order pursuant to paragraph 2.	
Article 8(4)				
201	4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.	4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law <u>and administrative procedural law</u> in conformity with Union law, <u>including the Charter. While acting in accordance with such laws,</u>	4. The conditions and requirements laid down in This Article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law. national civil and criminal procedural laws.	

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		<u>authorities shall not go beyond what is necessary in order to attain the objectives pursued.</u>		
Article 8(4a)				
201a		<u>4a. Member States shall ensure that the relevant authorities may, at the request of an applicant whose rights are infringed by illegal content, issue against the relevant provider of intermediary services an injunction order in accordance with this Article to remove or disable access to that content.</u>		
Article 9				
202	Article 9 Orders to provide information	Article 9 Orders to provide information	Article 9 Orders to provide information	
Article 9(1)				
203	1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in	1. Providers of intermediary services shall, upon receipt <u>via a secure communications channel</u> of an order to provide a specific item of information about one or more specific individual recipients of the service, <u>received from and</u> issued by the relevant national judicial or administrative authorities on the	1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in	

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	conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.	basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.	conformity compliance with Union law, inform without undue delay the authority of issuing the order or any other authority specified in the order of its receipt, of and the effect given to the order, specifying if and when the order was applied and if the order was not given any effect, the reason thereof.	
Article 9(2), introductory part				
204	2. Member States shall ensure that orders referred to in paragraph 1 meet the following conditions:	2. Member States shall ensure that orders referred to in paragraph 1 meet the following conditions:	2. Member States shall ensure that orders referred to in paragraph 1 meet the following conditions, when they are transmitted to the provider:	
Article 9(2), point (a), introductory part				
205	(a) the order contains the following elements:	(a) the order contains the following elements:	(a) the order contains the following elements:	
Article 9(2), point (a), indent -1				
205a		<u>- the identification details of the judicial or administrative authority issuing the order and authentication of the order by that authority, including the date, time stamp and electronic signature of the authority issuing the order to</u>		

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		<u>provide information;</u>		
Article 9(2), point (a), indent -1a				
205b		<u>- a reference to the legal basis for the order;</u>		
Article 9(2), point (a), indent -1b				
205c		<u>- a clear indication of the exact electronic location, an account name, or a unique identifier of the recipient on whom information is sought;</u>		
Article 9(2), point (a), point (i)				
206	- a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;	- a <u>sufficiently detailed</u> statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;	-(i) a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;	

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Article 9(2), point (a), indent 1a				
206a		<u>- where the information sought constitutes personal data within the meaning of Article 4, point (1), of Regulation (EU) 2016/679 or Article 3, point (1), of Directive (EU) 2016/680, a justification that the order is in accordance with applicable data protection law;</u>		
Article 9(2), point (a), point (ii)				
207	- information about redress available to the provider and to the recipients of the service concerned;	- information about redress available to the provider and to the recipients of the service concerned <u>including deadlines for appeal;</u>	-(ii) information about redress available to the provider and to the recipients of the service concerned;	
Article 9(2), point (a), point (iii) / indent 2a				
207a		<u>- an indication on whether the provider should inform without undue delay the recipient of the service concerned, including information about the data being sought; where information is requested in the context of criminal proceedings, the request for that information shall be in compliance with Directive (EU) 2016/680, and the information to the recipient of the service concerned about that request may be delayed as long as</u>	(iii) where applicable, information about which authority should receive the information about the effect given to the orders;	

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		<u>necessary and proportionate to avoid obstructing the relevant criminal proceedings, taking into account the rights of the suspected and accused persons and without prejudice to defence rights and effective legal remedies. Such a request shall be duly justified, specify the duration of the obligation of confidentiality and shall be subject to periodic review.</u>		
Article 9(2), point (b)				
208	(b) the order only requires the provider to provide information already collected for the purposes of providing the service and which lies within its control;	(b) the order only requires the provider to provide information already collected for the purposes of providing the service and which lies within its control;	(b) the order only requires the provider to provide information already collected for the purposes of providing the service and which lies within its control;	
Article 9(2), point (c)				
209	(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10;	(c) the order is drafted in the language declared by the provider and is sent to the point of contact appointed by that provider, in accordance with Article 10 <u>or in one of the official languages of the Member State that issues the order against the item of illegal content; in such case, the point of contact may request the competent authority to provide translation into</u>	(c) the order is drafted in the language transmitted in one of the languages declared by the provider pursuant to Article 10(3) or in another official language of the Union, bilaterally agreed by the authority issuing the order and the provider, and is sent to the electronic point of contact appointed designated by that provider, in accordance with Article 10;. Where	

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		<u>the language declared by the provider;</u>	the order is not drafted in the language declared by the provider or in another language bilaterally agreed, the order may be transmitted in the language of the authority issuing the order, provided that it is accompanied by a translation of at least the elements set out in points (a) and (b) of this paragraph.	
Article 9(2a)				
209a		<u>2a. The Commission shall adopt implementing acts in accordance with Article 70, after consulting the Board, laying down specific template and form for the orders referred to in paragraph 1.</u>	2a. The authority issuing the order or, where applicable the authority specified in the order, shall transmit the order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.	
Article 9(2b)				
209b		<u>2b. The provider of intermediary services who received an order shall have a right to an effective remedy. That right shall include the right to challenge the order before the judicial authorities of the Member State of the issuing competent</u>		

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		<p><u>authority, in particular where such an order is not in compliance with Article 3 of Directive 2000/31/EC. The Digital Services Coordinator of the Member State of establishment may choose to intervene on behalf of the provider in any redress, appeal or other legal proceedings in relation to the order.</u></p> <p><u>The Digital Services Coordinator of the Member State of establishment may request the authority issuing the order to withdraw or repeal the order. Where such a request is refused, the Digital Services Coordinator of the Member State of establishment shall be entitled to seek the annulling, ceasing or adjustment of the effect of the order before the judicial of the Member States of the order. Such proceedings shall be completed without undue delay.</u></p>		
Article 9(2c)				
209c		<p><u>2c. If the provider cannot comply with the order because it contains manifest errors or does not contain sufficient information to enable it to be executed, it shall, without undue delay, inform the judicial or administrative authority that issued</u></p>		

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		<u>that information order and request the necessary clarifications.</u>		
Article 9(2d)				
209d		<u>2d. The authority issuing the order to provide a specific item of information shall transmit that order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.</u>		
Article 9(3)				
210	3. The Digital Services Coordinator from the Member State of the national judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.	3. The Digital Services Coordinator from the Member State of the national judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.	3. The Digital Services Coordinator After receiving the order from the Member State of the national judicial or administrative authority issuing the order, the Digital Services Coordinator from that Member State shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.	
Article 9(3a)				

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210a			3a. Providers of intermediary services shall inform the recipient of the service concerned, at the latest at the time when the order is applied, of the order received and the effect given to it, or, where applicable, at the time provided by the issuing authority in its order. Such information to the recipient of the service shall, at least, include the statement of reasons and the redress possibilities, as included in the order pursuant to paragraph 2.	
Article 9(4)				
211	4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.	4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law <u>or administrative procedural law</u> in conformity with Union law.	4. The conditions and requirements laid down in This Article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law. national civil and criminal procedural laws.	
Article 9a				
211a		<u>Article 9a</u> <u>Effective remedies for recipients of the service</u>		
Article 9a(1)				

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211b		<u>1. Recipients of the service whose content was removed according to Article 8 or whose information was sought according to Article 9 shall have the right to effective remedies against such orders, including, where applicable, restoration of content where such content has been in compliance with the terms and conditions, but has been erroneously considered as illegal by the service provider, without prejudice to remedies available under Directive (EU) 2016/680 and Regulation (EU) 2016/679.</u>		
Article 9a(2)				
211c		<u>2. Such right to an effective remedy shall be exercised before a judicial authority in the issuing Member State in accordance with national law and shall include the possibility to challenge the legality of the measure, including its necessity and proportionality.</u>		
Article 9a(3)				
211d		<u>3. Digital Services Coordinators shall develop national tools and guidance to recipients of the service</u>		

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		<u>as regards complaint and redress mechanisms applicable in their respective territory</u>		
Chapter III				
212	Chapter III Due diligence obligations for a transparent and safe online environment	Chapter III Due diligence obligations for a transparent, <u>accessible</u> and safe online environment	Chapter III Due diligence obligations for a transparent and safe online environment	
Section 1				
213	Section 1 Provisions applicable to all providers of intermediary services	Section 1 Provisions applicable to all providers of intermediary services	Section 1 Provisions applicable to all providers of intermediary services	
Article 10				
214	Article 10 Points of contact	Article 10 Points of contact <u>for Member States' authorities, the Commission and the Board</u>	Article 10 Points Electronic point of contact	
Article 10(1)				
215	1. Providers of intermediary services shall establish a single point of contact allowing for direct communication, by electronic means, with Member States'	1. Providers of intermediary services shall establish <u>designate</u> a single point of contact allowing for direct communication <u>enabling them to communicate directly</u> , by	1. Providers of intermediary services shall establish designate a single electronic point of contact allowing for direct communication, by electronic means, with Member	

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	authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.	electronic means, with Member States' authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.	States' authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.	
Article 10(2)				
216	2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact.	2. Providers of intermediary services shall make <u>public</u> <u>communicate to the Member States' authorities, the Commission and the Board</u> , the information necessary to easily identify and communicate with their single points of contact, <u>including the name, the email address, the physical address and the telephone number, and shall ensure that the information is kept up to date.</u>	2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single point electronic point of contact. This information shall be easily accessible.	
Article 10(2a)				
216a		<u>2a. Providers of intermediary services may establish the same single point of contact for this Regulation and another single point of contact as required under other Union law. When doing so, the provider shall inform the Commission of this decision.</u>		
Article 10(3)				

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217	3. Providers of intermediary services shall specify in the information referred to in paragraph 2, the official language or languages of the Union, which can be used to communicate with their points of contact and which shall include at least one of the official languages of the Member State in which the provider of intermediary services has its main establishment or where its legal representative resides or is established.	3. Providers of intermediary services shall specify in the information referred to in paragraph 2, the official language or languages of the Union, which can be used to communicate with their points of contact and which shall include at least one of the official languages of the Member State in which the provider of intermediary services has its main establishment or where its legal representative resides or is established.	3. Providers of intermediary services shall specify in the information referred to in paragraph 2, the official language or languages of the Union which, in addition to a language broadly understood by the largest possible number of Union citizens, which can be used to communicate with their point electronic point of contact, and which shall include at least one of the official languages of the Member State in which the provider of intermediary services has its main establishment or where its legal representative resides or is established.	
Article 10a				
217a		<u>Article 10a</u> <u>Points of contact for recipients of services</u>		
Article 10a(1)				
217b		<u>1. Providers of intermediary services shall designate a single point of contact that enables recipients of services to communicate directly with them.</u>		

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Article 10a(2)				
217c		<p><u>2. In particular, 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 physical address of the establishment of the provider of intermediary services, in a user-friendly, and easily accessible manner. Providers of intermediary services shall also enable recipients of services to choose the means of direct communication, which shall not solely rely on automated tools.</u></p>		
Article 10a(3)				
217d		<p><u>3. Providers of intermediary services shall make all reasonable efforts to guarantee that sufficient human and financial resources are allocated to ensure that the communication, referred to in paragraph 1 is performed in a timely and efficient manner.</u></p>		
Article 11				

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218	Article 11 Legal representatives	Article 11 Legal representatives	Article 11 Legal representatives	
Article 11(1)				
219	1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.	1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person <u>to act</u> as their legal representative in one of the Member States where the provider offers its services.	1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.	
Article 11(2)				
220	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 resource to cooperate with the Member States' authorities, the Commission and the	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 resource to cooperate <u>sufficient resources in order to guarantee their efficient</u>	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' competent 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 resources sufficient resources to cooperate with the Member States'	

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	Board and comply with those decisions.	<u>and timely cooperation</u> with the Member States' authorities, the Commission and the Board and comply with <u>any of</u> those decisions.	competent authorities, the Commission and the Board and comply with those decisions.	
Article 11(3)				
221	3. The designated legal representative can be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider of intermediary services.	3. The designated legal representative can be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider of intermediary services.	3. The designated legal representative can be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider of intermediary services.	
Article 11(4)				
222	4. Providers of intermediary services shall notify the name, address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date.	4. Providers of intermediary services shall notify the name, <u>postal</u> address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is <u>kept</u> up to date. <u>The Digital Service Coordinator in the Member State where that legal representative resides or is established shall, upon receiving that information, make reasonable efforts to assess its</u>	4. Providers of intermediary services shall notify the name, address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is publicly available, easily accessible, accurate and up to date.	

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		validity.		
Article 11(5)				
223	5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not amount to an establishment in the Union.	5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not amount to an establishment in the Union.	5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not amount to an establishment in the Union.	
Article 11(5a)				
223a		5a. Providers of intermediary services that qualify as micro, small or medium-sized enterprises (SMEs) within the meaning of the Annex to Recommendation 2003/361/EC, and who have been unsuccessful in obtaining the services of a legal representative after reasonable effort, shall be able to request that the Digital Service Coordinator of the Member State where the enterprise intends to establish a legal representative facilitates further cooperation and recommends possible solutions, including possibilities for collective representation.		
Article 12				
224				

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	Article 12 Terms and conditions	Article 12 Terms and conditions	Article 12 Terms and conditions	
Article 12(1)				
225	<p>1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.</p>	<p>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 <u>use fair, non-discriminatory and transparent terms and conditions. Providers of intermediary services shall draft those terms and conditions in clear, plain, user friendly and unambiguous language and shall make them publicly available in an easily accessible and machine-readable format in the languages of the Member State towards which the service is directed.</u> In their terms and conditions That information, providers of intermediary services shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format <u>respect the</u></p>	<p>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, plain, intelligible and unambiguous language and shall be publicly available in an easily accessible and machine-readable format.</p>	

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		<u><i>freedom of expression, freedom and pluralism of the media, and other fundamental rights and freedoms, as enshrined in the Charter as well as the rules applicable to the media in the Union.</i></u>		
Article 12(1a)				
225a		<u><i>1a. In their terms and conditions, providers of intermediary services shall include information on any restrictions or modifications that they impose in relation to the use of their service in respect of content provided by the recipients of the service. Providers of intermediary services shall also include easily accessible information on the right of the recipients to terminate the use of their service. Providers of intermediary services shall also include information on any policies, procedures, measures and tools used by the provider of the intermediary service for the purpose of content moderation, including algorithmic decision-making and human review.</i></u>	1a. Where an intermediary service is primarily aimed at minors or is pre-dominantly used by them, the provider of that intermediary service shall explain the conditions and restrictions for the use of the service in a way that minors can understand, including conditions and restrictions imposed to comply with its obligations under this Regulation, where applicable.	
Article 12(1b)				
225b		<u><i>1b. Providers of intermediary</i></u>		

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		<u>services shall notify expeditiously the recipients of the service of any significant change to the terms and conditions and provide an explanation thereof.</u>		
Article 12(1c)				
225c		<u>1c. Where an intermediary service is primarily directed at minors or is pre-dominantly used by them, the provider shall explain conditions for and restrictions on the use of the service in a way that minors can understand.</u>		
Article 12(2)				
226	2. Providers of intermediary services shall act in a diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.	2. Providers of intermediary services shall act in a <u>fair, transparent, coherent,</u> diligent, objective <u>timely, non-arbitrary, non-discriminatory</u> and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.	2. Providers of intermediary services shall act in a diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.	
Article 12(2a)				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
226a		<u>2a. Providers of intermediary services shall provide recipients of services with a concise, easily accessible and in machine-readable format summary of the terms and conditions, in clear, user-friendly and unambiguous language. That summary shall identify the main elements of the information requirements, including the possibility of easily opting-out from optional clauses and the remedies and redress mechanisms available.</u>		
Article 12(2b)				
226b		<u>2b. Providers of intermediary services may use graphical elements such as icons or images to illustrate the main elements of the information requirements.</u>		
Article 12(2c)				
226c		<u>2c. Very large online platforms as defined in Article 25 shall publish their terms and conditions in the official languages of all Member States in which they offer their services.</u>		
Article 12(2d)				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
226d		<u>2d. Providers of intermediary services shall not require recipients of the service other than traders to make their legal identity public in order to use the service.</u>		
Article 12(2e)				
226e		<u>2e. Terms and conditions of providers of intermediary services shall respect the essential principles of fundamental rights enshrined in the Charter.</u>		
Article 12(2f)				
226f		<u>2f. Terms that do not comply with this Article shall not be binding on recipients.</u>		
Article 13				
227	Article 13 Transparency reporting obligations for providers of intermediary services	Article 13 Transparency reporting obligations for providers of intermediary services	Article 13 Transparency reporting obligations for providers of intermediary services	
Article 13(1), introductory part				
228	1. Providers of intermediary	1. Providers of intermediary	1. Providers of intermediary	

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	services shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:	services shall publish <u>in a standardised and machine-readable format and in an easily accessible manner</u> , at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:	services shall publish make publicly available in a specific section in their online interface , at least once a year, clear, and easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:	
Article 13(1), point (a)				
229	(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed for taking the action specified in those orders;	(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed for taking the action specified in those orders <u>to inform the authority issuing the order of its receipt and the effect given to the order</u> ;	(a) for providers of intermediary services , the number of orders received from Member States' authorities, categorised by the type of illegal content concerned , including orders issued in accordance with Articles 8 and 9, categorised by the type of illegal content concerned , and the average median time needed for taking the action specified in those orders;	
Article 13(1), point (aa)				
229a		<u>(aa) where applicable, the complete number of content moderators allocated for each official language per Member State, and a qualitative description of whether and how</u>		

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		<u>automated tools for content moderation are used in each official language;</u>		
Article 13(1), point (b)				
230	(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;	(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, <u>the number of notices submitted by trusted flaggers,</u> any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average <u>and median</u> time needed for taking the action; <u>providers of intermediary services may add additional information as to the reasons for the average time for taking the action;</u>	(b) for providers of hosting services, the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, the number of notices submitted by trusted flaggers, the number of notices processed exclusively by automated means and the average median time needed for taking the action;	
Article 13(1), point (c)				
231	(c) the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and	(c) <u>meaningful and comprehensible information about</u> the content moderation engaged in at the providers' own initiative, including the <u>use of automated tools,</u> the number and type of measures taken that affect the	(c) for providers of intermediary services, as applicable, the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect of removals or other restrictions of the	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures;	availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures, <u>as well as, where applicable, measures taken to provide training and assistance to members of staff who are engaged in content moderation, and to ensure that non-infringing content is not affected;</u>	availability, , visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information through the service, and other related restrictions of the service. The information reported shall be -, categorised by the type of reason and basis for taking those measures illegal content or violation of the terms and conditions of the service provider, by the detection method and by the type of restriction applied;	
Article 13(1), point (d)				
232	(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.	(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average <u>and median</u> time needed for taking those decisions and the number of instances where those decisions were reversed.	(d) for providers of intermediary services, as applicable , the number of complaints received through the internal complaint-handling system referred to in systems in accordance with the provider's terms and conditions and, for providers of online platforms, also in accordance with Article 17 , the basis for those complaints, decisions taken in respect of those complaints, the average median time needed for taking those decisions and the number of instances where those decisions were reversed.	
Article 13(1a)				

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232a		<u><i>1a. The information provided shall be presented per Member State in which services are offered and in the Union as a whole.</i></u>		
Article 13(2)				
233	2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.	2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, <u><i>which do not also qualify as very large online platforms.</i></u>	2. Paragraph 1 of this Article shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC and which are not very large online platforms in accordance with Article 25 of this Regulation.	
Article 13(3)				
233a			3. The Commission may adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1 of this Article, including harmonised reporting periods. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.	
Article 13a				

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233b		<u>Article 13a</u> <u>Online interface design and organisation</u>		
Article 13a(1)				
233c		<p><u>1. Providers of intermediary services shall not use the structure, function or manner of operation of their online interface, or any part thereof, to distort or impair recipients of services' ability to make a free, autonomous and informed decision or choice. In particular, providers of intermediary services shall refrain from:</u></p> <p><u>(a) giving more visual prominence to any of the consent options when asking the recipient of the service for a decision;</u></p> <p><u>(b) repeatedly requesting that a recipient of the service consents to data processing, where such consent has been refused, pursuant to Article 7(3) of Regulation (EU) 2016/679, regardless of the scope or purpose of such processing, especially by presenting a pop-up that interferes with user experience;</u></p> <p><u>(c) urging a recipient of the service to change a setting or</u></p>		

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<p><u>configuration of the service after the recipient has already made a choice;</u></p> <p><u>(d) making the procedure of terminating a service significantly more cumbersome than signing up to it; or</u></p> <p><u>(e) requesting consent where the recipient of the service exercises his or her right to object by automated means using technical specifications, in line with Article 21(5) of Regulation (EU) 2016/679.</u></p> <p><u>This paragraph shall be without prejudice to Regulation(EU) 2016/679.</u></p>		
Article 13a(2)				
233d		<p><u>2. The Commission is empowered to adopt a delegated act to update the list of practices referred to in paragraph 1</u></p>		
Article 13a(3)				
233e		<p><u>3. Where applicable, providers of intermediary services shall adapt their design features to ensure a high level of privacy, safety, and security by design for minors.</u></p>		

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Section 2				
234	Section 2 Additional provisions applicable to providers of hosting services, including online platforms	Section 2 Additional provisions applicable to providers of hosting services, including online platforms	Section 2 Additional provisions applicable to providers of hosting services, including providers of online platforms	
Article 14				
235	Article 14 Notice and action mechanisms	Article 14 Notice and action mechanisms	Article 14 Notice and action mechanisms	
Article 14(1)				
236	1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.	1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.	1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means.	
Article 14(2), introductory part				
237	2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately	2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately	2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	substantiated notices, on the basis of which a diligent economic operator can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:	substantiated notices, on the basis of which a diligent economic operator can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of valid notices containing all of the following elements:	substantiated notices, on the basis of which a diligent economic operator can identify the illegality of the content in question. To that end, the providers of hosting services shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:	
Article 14(2), point (a)				
238	(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;	(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;	(a) an sufficiently substantiated explanation of the reasons why the individual or entity considers alleges the information in question to be illegal content;	
Article 14(2), point (aa)				
238a		<u>(aa) where possible, evidence that substantiates the claim;</u>		
Article 14(2), point (b)				
239	(b) a clear indication of the electronic location of that information, in particular the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;	(b) <u>where relevant,</u> a clear indication of the <u>exact</u> electronic location of that information, in particular <u>for example,</u> the exact URL or URLs, and/or, where necessary, additional information enabling the identification of the	(b) a clear indication of the electronic location of that information, in particular such as the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		illegal content <u>as applicable to the type of content and to the specific type of hosting service</u> ;		
Article 14(2), point (c)				
240	(c) the name and an electronic mail address of the individual or entity submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;	(c) the name and an electronic mail address of the individual or entity submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;	(c) the name and an electronic mail address of the individual or entity submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;	
Article 14(2), point (d)				
241	(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.	(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.	(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.	
Article 14(3)				
242	3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.	3. Notices that include the elements referred to in paragraph 2, <u>on the basis of which a diligent hosting service provider is able to establish the illegality of the content in question without conducting a legal or factual examination</u> , shall be	3. Notices that include the elements referred to in paragraph 2 of this Article on the basis of which a diligent provider of hosting services can identify the illegality of the content in question shall be considered to give rise to actual	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.	knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.	
Article 14(3a)				
242a		<u>3a. Information that has been the subject of a notice shall remain accessible while the assessment of its legality is still pending, without prejudice to the right of providers of hosting services to apply their terms and conditions. Providers of hosting services shall not be held liable for failure to remove notified information, while the assessment of legality is still pending.</u>		
Article 14(4)				
243	4. Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall promptly send a confirmation of receipt of the notice to that individual or entity.	4. Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall, <u>without undue delay,</u> promptly send a confirmation of receipt of the notice to that individual or entity.	4. Where the notice contains the name and an electronic mail address contact information of the individual or entity that submitted it, the provider of hosting services shall, without undue delay, promptly send a confirmation of receipt of the notice to that individual or entity.	
Article 14(5)				

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244	5. The provider shall also, without undue delay, notify that individual or entity of its decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision.	5. The provider shall also, without undue delay, notify that individual or entity of its decision <u>action</u> in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision .	5. The provider shall also, without undue delay, notify that individual or entity of its decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision.	
Article 14(5a)				
244a		<u>5a. The anonymity of individuals who submitted a notice shall be ensured towards the recipient of the service who provided the content, except in cases of alleged violations of personality rights or of intellectual property rights.</u>		
Article 14(6)				
245	6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in	6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent, <u>non-discriminatory and non-arbitrary</u> and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such	6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in	

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	paragraph 4.	use in the notification referred to in paragraph 4. <u>Where the provider has no technical, operational or contractual ability to act against specific items of illegal content, it may hand over a notice to the provider that has direct control of specific items of illegal content, while informing the notifying person or entity and the relevant Digital Services Coordinator.</u>	paragraph 45.	
Article 15				
246	Article 15 Statement of reasons	Article 15 Statement of reasons	Article 15 Statement of reasons	
Article 15(1)				
247	1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that	1. Where a provider of hosting services decides to remove or disable access to, <u>demote or to impose other measures with regard to</u> specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear	1. Where a provider Providers of hosting services decides to remove or disable access to shall provide a clear and specific items of information provided by the statement of reasons to any affected recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and for any of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access,	

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	decision.	and specific statement of reasons for that decision. <i><u>This obligation shall not apply where the content is deceptive high-volume commercial content, or it has been requested by a judicial or law enforcement authority not to inform the recipient due to an ongoing criminal investigations until the criminal investigations is closed.</u></i>	of the decision and provide a clear and specific statement of reasons for that decision. following restrictions imposed:	
Article 15(1), point (a)				
247a			(a) any restrictions of the visibility of specific items of information provided by the recipient of the service, including removal of content, or disabling access to content;	
Article 15(1), point (b)				
247b			(b) suspension, termination or other restriction of monetary payments (monetisation);	
Article 15(1), point (c)				
247c			(c) suspension or termination of the provision of the service in	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			whole or in part;	
Article 15(1), point (d)				
247d			(d) suspension or termination of the recipient's accounts.	
Article 15(1), unnumbered paragraph				
247e			This paragraph shall only apply where the relevant electronic contact details are known to the provider. It shall apply at the latest when the restriction is imposed, and regardless of why or how it was imposed.	
Article 15(2), introductory part				
248	2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:	2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:	2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:	
Article 15(2), point (a)				
249	(a) whether the decision entails either the removal of, or the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;	(a) whether the decision <u>action</u> entails either the removal of, or the disabling of access, <u>the demotion of, or imposes other measures with regard to</u> to, the information and, where relevant, the territorial scope	(a) whether the decision entails either the removal of, or the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access <u>restriction of the visibility of</u>	

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		of the disabling-of access <u>action and its duration, including, where an action was taken pursuant to Article 14, an explanation about why the action did not exceed what was strictly necessary to achieve its purpose;</u>	the information or the suspension or termination of monetary payments related to that information;	
Article 15(2), point (b)				
250	(b) the facts and circumstances relied on in taking the decision, including where relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14;	(b) the facts and circumstances relied on in taking the decision <u>action</u> , including where relevant whether the decision <u>action</u> was taken pursuant to a notice submitted in accordance with Article 14 <u>or based on voluntary own-initiative investigations or to an order issued in accordance with Article 8 and where appropriate, the identity of the notifier;</u>	(b) the facts and circumstances relied on in taking the decision, including where relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14;	
Article 15(2), point (c)				
251	(c) where applicable, information on the use made of automated means in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;	(c) where applicable, information on the use made of automated means in taking the decision <u>action</u> , including where the decision <u>action</u> was taken in respect of content detected or identified using automated means;	(c) where applicable, information on the use made of automated means in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;	
Article 15(2), point (d)				

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252	(d) where the decision concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;	(d) where the decision <u>action</u> concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;	(d) where the decision concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;	
Article 15(2), point (e)				
253	(e) where the decision is based on the alleged incompatibility of the information with the terms and conditions of the provider, a reference to the contractual ground relied on and explanations as to why the information is considered to be incompatible with that ground;	(e) where the decision <u>action</u> is based on the alleged incompatibility of the information with the terms and conditions of the provider, a reference to the contractual ground relied on and explanations as to why the information is considered to be incompatible with that ground;	(e) where the decision is based on the alleged incompatibility of the information with the terms and conditions of the provider of hosting services , a reference to the contractual ground relied on and explanations as to why the information is considered to be incompatible with that ground;	
Article 15(2), point (f)				
254	(f) information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.	(f) <u>clear, user-friendly</u> information on the redress possibilities available to the recipient of the service in respect of the decision <u>action</u> , in particular, <u>where applicable</u> through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.	(f) information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.	
Article 15(3)				

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255	3. The information provided by the providers of hosting services in accordance with this Article shall be clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances. The information shall, in particular, be such as to reasonably allow the recipient of the service concerned to effectively exercise the redress possibilities referred to in point (f) of paragraph 2.	3. The information provided by the providers of hosting services in accordance with this Article shall be clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances. The information shall, in particular, be such as to reasonably allow the recipient of the service concerned to effectively exercise the redress possibilities referred to in point (f) of paragraph 2.	3. The information provided by the providers of hosting services in accordance with this Article shall be clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances. The information shall, in particular, be such as to reasonably allow the recipient of the service concerned to effectively exercise the redress possibilities referred to in point (f) of paragraph 2.	
Article 15(4)				
256	4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.	4. Providers of hosting services shall publish <u>at least once a year the actions</u> the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible <u>machine-readable</u> database managed <u>and published</u> by the Commission. That information shall not contain personal data.	4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.	
Article 15(5)				
256a			5. This article shall not apply to any orders issued pursuant to Article 8.	

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Article 15a				
256b	<p>Article 21 Notification of suspicions of criminal offences</p> <p>Moved reference text</p>	<p>Article 21<u>15a</u> Notification of suspicions of criminal offences</p> <p>moved from Article 21</p>	<p>Article 21<u>15a</u> Notification of suspicions of criminal offences</p> <p>moved from Article 21</p>	
Article 15(1)				
256c	<p>1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.</p> <p>Moved reference text</p>	<p>1. Where an online platform a <u>provider of hosting services</u> becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a<u>an imminent</u> threat to the life or safety of persons has taken place, is taking place or is likely<u>planned</u> to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide, <u>upon their request, all the</u> all relevant information available.</p>	<p>1. Where an online platform a provider of hosting services becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of a person or persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.</p>	
Article 15a(2), introductory part				
256d	<p>2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in</p>	<p>2. Where the online platform<u>provider of hosting services</u> cannot identify with reasonable certainty the Member State concerned, it shall inform the law</p>	<p>2. Where the online platform cannotprovider of hosting servicescannot identify with reasonable certainty the Member State concerned, it shall inform the</p>	

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	<p>which it is established or has its legal representative or inform Europol.</p> <p>Moved reference text</p>	<p>enforcement authorities of the Member State in which it is established or has its legal representative or <u>and may</u> inform Europol.</p>	<p>law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.</p>	
Article 15a(2), first paragraph				
256e	<p>For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.</p> <p>Moved reference text</p>	<p>For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, <u>to</u> be taking place and likely <u>or to be planned</u> to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located. <u>For the purpose of this Article, Member States shall notify to the Commission the list of its competent law enforcement or judicial authorities.</u></p>	<p>For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and– likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.</p>	
Article 15a(2), second paragraph				
256f		<p><u>3. Unless instructed otherwise by the informed authority, the provider of hosting services shall remove or disable the content.</u></p>		
Article 15a(2), third paragraph				

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256g		<u>4. Information obtained by a law enforcement or judicial authority of a Member State in accordance with paragraph 1 shall not be used for any purpose other than those directly related to the individual serious criminal offence notified.</u>		
Article 15a(2), fourth paragraph				
256h		<u>5. The Commission shall adopt an implementing act setting down a template for notifications under paragraph 1.</u>		
Section 3				
257	Section 3 Additional provisions applicable to online platforms	Section 3 Additional provisions applicable to online platforms	Section 3 Additional provisions applicable to providers of online platforms	
Article 16				
258	Article 16 Exclusion for micro and small enterprises	Article 16 Exclusion for micro and small enterprises	Article 16 Exclusion for micro and small enterprises	
Article 16, first paragraph				
259	This Section shall not apply to	<u>1.</u> This Section shall not apply to	This Section and Section 3a shall	

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	online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.	online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC <u>and which do not qualify as a very large online platforms as defined by Article 25 of this Regulation.</u>	not apply to providers of online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, except when they are very large online platforms in accordance with Article 25.	
Article 16, second paragraph				
259a		<u>2. Providers of intermediary services may submit an application accompanied by a justification for a waiver from the requirements of this section provided that they:</u> <u>(a) do not present significant systemic risks and have limited exposure to illegal content; and</u> <u>(b) qualify as non-for-profit or qualify as a medium enterprise within the meaning of the Annex to Recommendation 2003/361/EC.</u>		
Article 16, third paragraph				
259b		<u>3. The application shall be submitted to the Digital Services Coordinator of establishment who shall conduct a preliminary assessment. The Digital Services Coordinator of establishment shall transmit to the Commission the</u>		

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		<u><i>application accompanied by its assessment and where applicable, a recommendation on the Commission's decision. The Commission shall examine such an application and, after consulting the Board, may issue a total or a partial waiver from the requirements of this Section.</i></u>		
Article 16, fourth paragraph				
259c		<u><i>4. Where the Commission grants such a waiver, it shall monitor the use of the waiver by the provider of intermediary services to ensure that the conditions for use of the waiver are respected.</i></u>		
Article 16, fifth paragraph				
259d		<u><i>5. Upon the request of the Board, the Digital Services Coordinator of establishment or the provider, or on its own initiative, the Commission may review or revoke the waiver in whole or in parts.</i></u>		
Article 16, sixth paragraph				
259e		<u><i>6. The Commission shall maintain a list of all waivers issued and their</i></u>		

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		<u>conditions and shall make the list publicly available.</u>		
Article 16, seventh paragraph				
259f		<u>7. The Commission shall be empowered to adopt a delegated act in accordance with Article 69 as to the process and procedure for the implementation of the waiver system in relation with this Article.</u>		
Article 17				
260	Article 17 Internal complaint-handling system	Article 17 Internal complaint-handling system	Article 17 Internal complaint-handling system	
Article 17(1), introductory part				
261	1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or	1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or	1. Providers of online platforms shall provide recipients of the service, including individuals or entities that have submitted a notice , for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the decision taken by the provider of the online platform	

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	incompatible with its terms and conditions:	incompatible with its terms and conditions:	not to act upon the receipt of a notice or against the following decisions taken by the provider of the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions:	
Article 17(1), point (a)				
262	(a) decisions to remove or disable access to the information;	(a) decisions to remove, demote, or disable access to <u>or impose other measures that restrict visibility, availability or accessibility of</u> the information;	(a) decisions whether or not to remove or disable access to or restrict visibility of the information;	
Article 17(1), point (b)				
263	(b) decisions to suspend or terminate the provision of the service, in whole or in part, to the recipients;	(b) decisions to suspend or terminate, <u>or limit</u> the provision of the service, in whole or in part, to the recipients;	(b) decisions whether or not to suspend or terminate the provision of the service, in whole or in part, to the recipients;	
Article 17(1), point (c)				
264	(c) decisions to suspend or terminate the recipients' account.	(c) decisions to suspend or terminate the recipients' account.	(c) decisions whether or not to suspend or terminate the recipients' account.;	
Article 17(1), point (d)				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
264a		<u>(ca) decisions to restrict the ability to monetise content provided by the recipients.</u>	(d) decision whether or not to suspend, terminate or otherwise restrict monetary payments related to content provided by the recipients.	
Article 17(1a)				
264b		<u>1a. The period of at least six months as set out in paragraph 1 shall be considered to start on the day on which the recipient of the service is informed about the decision in accordance with Article 15.</u>		
Article 17(2)				
265	2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.	2. Online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly, <u>including for persons with disabilities and minors, non-discriminatory</u> and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints. <u>Online platforms shall set out the rules of procedure of their internal complaint handling system in their terms and conditions in a clear, user-friendly and easily accessible</u>	2. Providers of online platforms shall ensure that their internal complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<u>manner.</u>		
Article 17(3)				
266	3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and objective manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.	3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, <u>non-discriminatory</u> , diligent and objective <u>non-arbitrary</u> manner <u>and within ten working days starting on the date on which the online platform received the complaint</u> . Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.	3. Providers of online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and objective manner. Where a complaint contains sufficient grounds for the provider of the online platform to consider that its decision not to act upon the request of a notice is unfounded or that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account or the restriction to monetary payments related to content , it shall reverse its decision referred to in paragraph 1 without undue delay.	
Article 17(4)				
267	4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which	4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which	4. Providers of online platforms shall inform complainants without undue delay of the decision they have taken in respect of the	

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	the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.	the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.	information to which the complaint relates, clearly justify their decision and inform and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.	
Article 17(5)				
268	5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.	5. Online platforms shall ensure that <u>recipients of the service are given the possibility, where necessary, to contact a human interlocutor at the time of the submission of the complaint and that</u> the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means. <u>Online platform shall ensure that decisions are taken by qualified staff.</u>	5. Providers of online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.	
Article 17(5a)				
268a		<u>5a. Recipients of the service shall have the possibility to seek swift judicial redress in accordance with the laws of the Member States concerned.</u>		
Article 18				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
269	Article 18 Out-of-court dispute settlement	Article 18 Out-of-court dispute settlement	Article 18 Out-of-court dispute settlement	
Article 18(1), introductory part				
270	1. Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.	1. Recipients of the service addressed by the decisions referred to in Article 17(1), <u>taken by the online platform on the grounds that the information provided by the recipients is illegal content or incompatible with its terms and conditions</u> , shall be entitled to select any out-of-court dispute <u>settlement body</u> that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.	1. Recipients of the service, including individuals or entities that have submitted notices , addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute settlement body that has been certified in accordance with paragraph 2 of this Article in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Providers of online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body.	
Article 18(1), first paragraph				
271	The first subparagraph is without prejudice to the right of the recipient	The first subparagraph is without prejudice to the right of the recipient	The first subparagraph is without prejudice to the right of the recipient	

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	concerned to redress against the decision before a court in accordance with the applicable law.	concerned to redress against the decision before a court in accordance with the applicable law.	concerned to redress against the decision of the service concerned, including the individual or entity, to initiate proceedings before a court in accordance with the applicable law including proceedings in relation to the decision of the provider of online platform referred to in Article 17(1).	
Article 18(1), second paragraph				
271a			Providers of online platform may refuse to engage in a dispute settlement when the same dispute regarding the same content has already been resolved or is being reviewed by another dispute settlement body.	
Article 18(1a), introductory part				
271b		<u><i>1a. Both parties shall engage, in good faith, with the independent, external certified body selected with a view to resolving the dispute and shall be bound by the decision taken by the body. The possibility to select any out-of-court dispute settlement body shall be easily accessible on the online interface of the online platform in a clear and</i></u>		

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<u>user-friendly manner.</u>		
Article 18(2), introductory part				
272	2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that body, certify the body, where the body has demonstrated that it meets all of the following conditions:	2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that body, certify the body <u>for a maximum of three years, which can be renewed</u> , where the <u>body and persons in charge of the out-of-court dispute settlement</u> body has demonstrated that it meets all of the following conditions:	2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that certify the body, certify the body at its request , where the body has demonstrated that it meets all of the following conditions:	
Article 18(2), point (a)				
273	(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;	(a) it is impartial and independent, <u>including financially independent,</u> and impartial towards <u>of</u> online platforms and , recipients of the service provided by the online platforms <u>and towards individuals or entities that have submitted notices</u> ;	(a) it is impartial and independent of providers of online platforms and of recipients of the service provided by the online platforms, including of individuals or entities that have submitted notices ;	
Article 18(2), point (b)				
274	(b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal	(b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal	(b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal	

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	content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms, allowing the body to contribute effectively to the settlement of a dispute;	content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms, allowing the body to contribute effectively to the settlement of a dispute;	content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms, allowing the body to contribute effectively to the settlement of a dispute;	
Article 18(2), point (ba)				
274a		<u>(ba) its members are remunerated in a way that is not linked to the outcome of the procedure;</u>		
Article 18(2), point (bb)				
274b		<u>(bb) the natural persons in charge of dispute resolution commit not to work for the online platform or a professional organisation or business association of which the online platform is a member for a period of three years after their position in the body has ended, and have not worked for such an organisation for two years prior to taking up this role;</u>		
Article 18(2), point (c)				
275	(c) the dispute settlement is easily accessible through electronic communication technology;	(c) the dispute settlement is easily accessible, <u>including for persons with disabilities</u> , through electronic	(c) the dispute settlement is easily accessible through electronic communication technology;	

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		communication technology <u>and provides for the possibility to submit a complaint and the requisite supporting documents online</u> ;		
Article 18(2), point (d)				
276	(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;	(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;	(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;	
Article 18(2), point (e)				
277	(e) the dispute settlement takes place in accordance with clear and fair rules of procedure.	(e) the dispute settlement takes place in accordance with clear and fair rules of procedure <u>which are clearly visible and easily and publicly accessible</u> .	(e) the dispute settlement takes place in accordance with clear and fair rules of procedure, in compliance with applicable legislation .	
Article 18(2), first paragraph				
278	The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.	The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.	The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.	

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Article 18(2), first paragraph a				
278a		<u>2a. The Digital Services Coordinator shall reassess on a yearly basis whether the certified out-of-court dispute settlement body continues to fulfil the conditions, referred to in paragraph 2. If this is not the case, the Digital Services Coordinator shall revoke the status from the out-of-court dispute settlement body.</u>		
Article 18(2), first paragraph b				
278b		<u>2b. The Digital Service Coordinator shall draw up a report every two years listing the number of complaints the out of court dispute settlement body has received annually, the outcomes of the decisions delivered, any systematic or sectoral problems identified, and the average time taken to resolve the disputes. The report shall in particular:</u> <u>(a) identify best practices of the out-of-court dispute settlement bodies;</u> <u>(b) report, where appropriate, on any shortcomings, supported by statistics, that hinder the functioning of the out-of-court dispute settlement bodies for both</u>		

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		<u><i>domestic and cross-border disputes;</i></u> <u><i>(c) make recommendations on</i></u> <u><i>how to improve the effective and</i></u> <u><i>efficient functioning of the out-of-</i></u> <u><i>court dispute settlement bodies,</i></u> <u><i>where appropriate.</i></u>		
Article 18(2), first paragraph c				
278c		<u><i>2c. Certified out-of-court dispute</i></u> <u><i>settlement bodies shall conclude</i></u> <u><i>dispute resolution proceedings</i></u> <u><i>within a reasonable period of time</i></u> <u><i>and no later than 90 calendar days</i></u> <u><i>after the date on which the certified</i></u> <u><i>body has received the complaint.</i></u> <u><i>The procedure shall be considered</i></u> <u><i>terminated on the date on which the</i></u> <u><i>certified body has made the</i></u> <u><i>decision of out-of-court dispute</i></u> <u><i>settlement procedure available.</i></u>		
Article 18(2a)				
278d			2a. Where an out-of-court dispute settlement body is certified by the competent Digital Services Coordinator pursuant to paragraph 2, that certification shall be valid in all Member States.	
Article 18(3), introductory part				

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279	3. If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.	3. If the body decides the dispute in favour of the recipient of the service, <u>individuals or entities mandated under Article 68 that have submitted notices</u> , the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has <u>or individuals or entities that have submitted notices</u> have paid or is <u>are</u> to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, <u>and the body does not find that the recipient acted in bad faith in the dispute, the recipient or the individuals or entities that have submitted notices</u> shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.	3. If the body decides the dispute in favour of the recipient of the service, including of the individual or entity that have submitted a notice, the provider of the online platform shall bear the fees of the dispute resolution and shall reimburse the recipient, including the individual or entity, for any for any fees and other reasonable expenses that the recipient has paid or is to pay they have paid in relation to the dispute settlement. If the body decides the dispute in favour of the provider of the online platform, the recipient, including the individual or entity , shall not be required to reimburse any fees or other expenses that the provider of the online platform paid or is to pay in relation to the dispute settlement unless the recipient, including the individual or entity, acted in manifestly bad faith.	
Article 18(3), first paragraph				
280	The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof.	The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof <u>for online platforms. Out-of-court dispute settlement procedures shall be free</u>	The fees charged by the body for the dispute settlement shall be reasonable, accessible, attractive and inexpensive for consumers. The fees and shall in any event not exceed the nominal fee and the	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<u><i>of charge or available at a nominal fee for the recipient of the service.</i></u>	costs thereof.	
Article 18(3), second paragraph				
281	Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, known to the recipient of the services and the online platform concerned before engaging in the dispute settlement.	Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, known to the recipient of the services and the online platform concerned before engaging in the dispute settlement.	Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, known to the recipient of the services, including to the individuals or entities that have submitted a notice, and the provider of and the online platform concerned before engaging in the dispute settlement.	
Article 18(4), introductory part				
282	4. Member States may establish out-of-court dispute settlement bodies for the purposes of paragraph 1 or support the activities of some or all out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2.	4. Member States may establish out-of-court dispute settlement bodies for the purposes of paragraph 1 or support the activities of some or all out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2.	4. Member States may establish out-of-court dispute settlement bodies for the purposes of paragraph 1 or support the activities of some or all out-of-court dispute settlement bodies that they have been certified in accordance with paragraph 2.	
Article 18(4), first paragraph				
283	Member States shall ensure that any of their activities undertaken under the first subparagraph do not affect the ability of their Digital Services	Member States shall ensure that any of their activities undertaken under the first subparagraph do not affect the ability of their Digital Services	Member States shall ensure that any of their activities undertaken under the first subparagraph do not affect the ability of their Digital Services	

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	Coordinators to certify the bodies concerned in accordance with paragraph 2.	Coordinators to certify the bodies concerned in accordance with paragraph 2.	Coordinators to certify the bodies concerned in accordance with paragraph 2.	
Article 18(4a)				
283a			4a. The Digital Services Coordinator that certified the out-of-court dispute settlement body shall revoke that certification if it determines, following an investigation either on its own initiative or on the basis of the information received by third parties, that the body no longer meets the conditions set out in paragraph 2. Before revoking that certification, the Digital Services Coordinator shall afford the body an opportunity to react to the findings of its investigation and its intention to revoke the body's certification.	
Article 18(5)				
284	5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the	5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the	5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the	

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	second subparagraph of that paragraph. The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated.	second subparagraph of that paragraph <u>as well as out-of-court dispute settlement bodies whose status has been revoked</u> . The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated.	second subparagraph of that paragraph, as well as the out-of-court dispute settlement bodies whose certification they have revoked . The Commission shall publish a list of those bodies, including those specifications, on a dedicated website that is easily accessible , and keep it updated.	
Article 18(6)				
285	6. This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive.	6. This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive.	6. This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive.	
Article 19				
286	Article 19 Trusted flaggers	Article 19 Trusted flaggers	Article 19 Trusted flaggers	
Article 19(1)				
287	1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are	1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers, <u>acting within their designated area of expertise</u> ,	1. Providers of online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article	

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	processed and decided upon with priority and without delay.	through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay <u>expeditiously, taking into account due process.</u>	14, are processed and decided upon with priority and without delay.	
Article 19(1a)				
287a		<u>1a. Online platforms shall take the necessary technical and organisational measures to ensure that trusted flaggers can issue correction notices of incorrect removal, restriction or disabling access to content, or of suspensions or terminations of accounts, and that those notices to restore information are processed and decided upon with priority and without delay.</u>		
Article 19(2), introductory part				
288	2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any entities, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:	2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any entities <u>entity</u> , by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:	2. The status of trusted flaggers under this Regulation shall be awarded, upon application by any entities, by the Digital Services Coordinator of the Member State in which the applicant is established, where the applicant has demonstrated to meet all of the following conditions:	

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Article 19(2), point (a)				
289	(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;	(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;	(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;	
Article 19(2), point (b)				
290	(b) it represents collective interests and is independent from any online platform;	(b) it represents collective interests and is independent from any online platform;	(b) it represents collective interests and is independent from any provider of online platformplatforms ;	
Article 19(2), point (c)				
291	(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.	(c) it carries out its activities for the purposes of submitting notices in a timely, diligent an accurate and objective manner.	(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.	
Article 19(2), point (ca)				
291a		<u>(ca) it has a transparent funding structure, including publishing the sources and amounts of all revenue annually;</u>		
Article 19(2), point (cb)				
291b		<u>(cb) it publishes, at least once a</u>		

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		<p><u>year, clear, easily comprehensible, detailed and standardised reports on all notices submitted in accordance with Article 14 during the relevant period. The report shall list:</u></p> <ul style="list-style-type: none"> <u>- notices categorised by the identity of the provider of hosting services;</u> <u>- the type of content notified;</u> <u>- the specific legal provisions allegedly breached by the content notified;</u> <u>- the action taken by the provider;</u> <u>- any potential conflicts of interest and sources of funding, and an explanation of the procedures in place to ensure that the trusted flagger retains its independence.</u> <p><u>The reports referred to in point (cb) shall be sent to the Commission which shall make them publicly available.</u></p>		
Article 19(3)				
292	3. Digital Services Coordinators shall communicate to the	3. <u>Digital Services Coordinators shall award the trusted flagger</u>	3. Digital Services Coordinators shall communicate to the	

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	Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.	<u><i>status for a period of two years, upon which the status may be renewed where the trusted flagger concerned continues to meet the requirements of this Regulation.</i></u> <u><i>The</i></u> Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2 <u><i>or have been revoked in accordance with paragraph 6.</i></u> <u><i>The Digital Services Coordinator of the Member State of establishment of the platform shall engage in dialogue with platforms and stakeholders for maintaining the accuracy and efficacy of a trusted flagger system.</i></u>	Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2 or revoked it in accordance with paragraph 6.	
Article 19(4)				
293	4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.	4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database <u><i>in an easily accessible and machine-readable format</i></u> and keep the database updated.	4. The Commission shall publish the information referred to in paragraph 3 in a publicly available and easily accessible database and keep the database updated.	
Article 19(5)				
294				

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	5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.	5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise, <u>inaccurate</u> or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents. <u>Upon receiving the information from the online platforms and if the Digital Services Coordinator considers that there are legitimate reasons to open an investigation, the status of trusted flagger shall be suspended during the period of the investigation.</u>	5. Where an a provider of online platform platforms has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.	
Article 19(6)				
295	6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own	6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own	6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	initiative or on the basis information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger	initiative or on the basis information received by <u>from</u> third parties, including the information provided by an online platform pursuant to paragraph 5, <u>carried out without undue delay</u> , that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.	initiative or on the basis information received by third parties, including the information provided by an a provider of online platform platforms pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.	
Article 19(7)				
296	7. The Commission, after consulting the Board, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.	7. The Commission, after consulting the Board, may <u>shall</u> issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs <u>2</u> , 5 and 6.	7. The Commission, after consulting the Board, may issue guidance to assist providers of online platforms and Digital Services Coordinators in the application of paragraphs 2 , 5 and 6.	
Article 19a				
296a		<u>Article 19a</u> <u>Accessibility requirements for online platforms</u>		
Article 19a(1)				
296b				

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		<u>1. Providers of online platforms which offer services in the Union shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.</u>		
Article 19a(2)				
296c		<u>2. Providers of online platforms shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public in an accessible manner for persons with disabilities. Providers of online platforms shall keep that information for as long as the service is in operation.</u>		
Article 19a(3)				
296d		<u>3. Providers of online platforms shall ensure that information, forms and measures provided pursuant to this Regulation are</u>		

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		<u><i>made available in a manner that they are easy to find, easy to understand, and accessible to persons with disabilities.</i></u>		
Article 19a(4)				
296e		<u><i>4. Providers of online platforms which offer services in the Union shall ensure that procedures are in place so that the provision of services remains in conformity with the applicable accessibility requirements. Changes in the characteristics of the provision of the service, changes in applicable accessibility requirements and changes in the harmonised standards or in technical specifications by reference to which a service is declared to meet the accessibility requirements shall be adequately taken into account by the provider of intermediary services.</i></u>		
Article 19a(5)				
296f		<u><i>5. In the case of non-conformity, providers of online platforms shall take the corrective measures necessary to bring the service into conformity with the applicable</i></u>		

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		<u>accessibility requirements.</u>		
Article 19a(6)				
296g		<u>6. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.</u>		
Article 19a(7)				
296h		<u>7. Online platforms which are in conformity with harmonised standards or parts thereof derived from Directive (EU) 2019/882 the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.</u>		
Article 19a(8)				
296i		<u>8. Online platforms which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in</u>		

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		<u>conformity with the accessibility requirements of this Regulation in so far as those technical specifications or parts thereof cover those requirements.</u>		
Article 20				
297	Article 20 Measures and protection against misuse	Article 20 Measures and protection against misuse	Article 20 Measures and protection against misuse	
Article 20(1)				
298	1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.	1. Online platforms shall <u>be entitled to</u> suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide <u>manifestly illegal content, for which the illegality can be established without conducting a legal or factual examination or for which they have received two or more orders to act regarding</u> illegal content <u>in the previous 12 months, unless those orders were later overturned.</u>	1. Providers of online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.	
Article 20(2)				
299				

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	2. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.	2. Online platforms shall <i>be entitled to</i> suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that <i>frequently</i> repeatedly submit notices or complaints that are manifestly unfounded.	2. Providers of online platforms shall may suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.	
Article 20(3), introductory part				
300	3. Online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to the online platform. Those circumstances shall include at least the following:	3. <i>When deciding on the suspension, providers of</i> online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to <i>the provider of</i> the online platform. Those circumstances shall include at least the following:	3. When deciding on the suspension, providers of online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient of the service , individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to the provider of the online platform. Those circumstances shall include at least the following:	
Article 20(3), point (a)				

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301	(a) the absolute numbers of items of manifestly illegal content or manifestly unfounded notices or complaints, submitted in the past year;	(a) the absolute numbers of items of manifestly illegal content or manifestly unfounded notices or complaints, submitted in the past year;	(a) the absolute numbers of items of manifestly illegal content or manifestly unfounded notices or complaints, submitted in the past year a given time frame ;	
Article 20(3), point (b)				
302	(b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in the past year;	(b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in the past year;	(b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in a given time frame the past year ;	
Article 20(3), point (c)				
303	(c) the gravity of the misuses and its consequences;	(c) the gravity of the misuses and its consequences;	(c) the gravity of the misuses, including the nature of illegal content, and of and its consequences;	
Article 20(3), point (d)				
304	(d) the intention of the recipient, individual, entity or complainant.	(d) <u>where identifiable</u> the intention of the recipient, individual, entity or complainant. ;	(d) where it is possible to infer it , the intention of the recipient of the service , individual, entity or complainant.	
Article 20(3), point (da)				
304a				

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		<u>(da) whether a notice was submitted by an individual user or by an entity or persons with specific expertise related to the content in question or following the use of an automated content recognition system.</u>		
Article 20(3a)				
304b		<u>3a. Suspensions referred to in paragraphs 1 and 2 may be declared permanent where:</u> <u>(a) there are compelling reasons of law or public policy, including ongoing criminal investigations;</u> <u>(b) the items removed were components of high-volume campaigns to deceive users or manipulate platform content moderation efforts;</u> <u>(c) a trader has repeatedly offered goods and services that do not comply with Union or national law;</u> <u>(d) the items removed were related to serious crimes.</u>		
Article 20(4)				

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305	4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.	4. <u>Providers of</u> online platforms shall set out, in a clear, <u>user-friendly</u> , and detailed manner, <u>with due regard to their obligations under Article 12(2)</u> their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards <u>examples of</u> the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.	4. Providers of online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.	
Article 21				
306	Article 21 Notification of suspicions of criminal offences	Article 21 Notification of suspicions of criminal offences moved to Article 15a	Article 21 Notification of suspicions of criminal offences moved to Article 15a	
Article 21(1)				
307	1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or	1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or	1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or	

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	judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.	judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.	judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.	
Article 21(2), introductory part				
308	2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.	2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.	2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.	
Article 21(2), first paragraph				
309	For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.	For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.	For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.	
Article 22 [Article 22 moved to Article 24a, into new Section 3a]				
310	Article 22	Article 22	Article 22 Traceability of traders	

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	Traceability of traders	Traceability of traders	[Article 22 moved to Article 24a, into new Section 3a]	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), introductory part				
311	1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:	1. Where an Online platform allows <u>platforms allowing</u> consumers to conclude distance contracts with traders, it shall ensure that traders can only use its <u>their</u> services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its <u>their</u> services <u>for those purposes, they have been provided with, the online platform has</u> obtained the following information:	1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (a)				
312	(a) the name, address, telephone number and electronic mail address of the trader;	(a) the name, address, telephone number and electronic mail address of the trader;	(a) the name, address, telephone number and electronic mail address of the trader;	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (b)				
313	(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European	(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European	(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European	

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	Parliament and of the Council ¹ ; 1. 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	Parliament and of the Council ¹ ; 1. 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	Parliament and of the Council¹; 1. 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	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (c)				
314	(c) the bank account details of the trader, where the trader is a natural person;	(c) the bank account details of the trader, where the trader is a natural person;	(c) the bank account details of the trader, where the trader is a natural person;	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (d)				
315	(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council ¹ or any relevant act of Union law; 1. 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).	(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council ¹ or any relevant act of Union law, <u>including in the area of product safety</u> ; 1. 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).	(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council¹ or any relevant act of Union law; 1. 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).	

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Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (e)				
316	(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;	(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;	(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (f)				
317	(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.	(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law; <u>and where applicable confirming that all products have been checked against available databases, such as the Union Rapid Alert System for dangerous non-food products (RAPEX);</u>	(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (fa)				
317a		<u>(fa) the type of products or services the trader intends to offer on the online platform.</u>		
Article 22 [Article 22 moved to Article 24a, into new Section 3a](2)				
318	2. The online platform shall, upon	2. The online platform <u>allowing</u>	2. The online platform shall, upon	

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	<p>receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.</p>	<p><u>consumers to conclude distance contracts with traders</u> shall, upon receiving that information <u>before allowing the display of the product or service on its online interface, and until the end of the contractual relationship, make best,</u> make <u>reasonable</u> efforts to assess whether the information referred to in points (a), (d) and (e) <u>to (fa)</u> of paragraph 1 is reliable <u>and complete. The online platform shall make best efforts to check the information provided by the trader</u> through the use of any freely accessible official online database or online interface made available by <u>an authorised administrator or</u> a Member States or the Union or through <u>direct</u> requests to the trader to provide supporting documents from reliable sources.</p> <p><u>No later than one year after the entry into force of this Regulation, the Commission shall publish the list of online databases and online interfaces mentioned in the paragraph above and keep it up-to-date. The obligations for online platforms referred to in paragraphs 1 and 2 shall apply with regard to new and existing traders.</u></p>	<p>receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.</p>	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](2a)				

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318a		<u>2a. The online platform shall make best efforts 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 law through measures such as random checks on the products and services offered to consumers in addition to the obligations referred to in paragraph 1 and 2 of this Article.</u>		
Article 22 [Article 22 moved to Article 24a, into new Section 3a](3), introductory part				
319	3. Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.	3. Where the online platform obtains <u>sufficient</u> indications <u>or has reasons to believe</u> 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.	3. Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](3), first paragraph				
320	Where the trader fails to correct or complete that information, the online	Where the trader fails to correct or complete that information, the online	Where the trader fails to correct or complete that information, the online	

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	platform shall suspend the provision of its service to the trader until the request is complied with.	platform shall <u>swiftly</u> suspend the provision of its service to the trader <u>in relation to the offering of products or services to consumers located in the Union</u> until the request is <u>fully</u> complied with.	platform shall suspend the provision of its service to the trader until the request is complied with.	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](3a)				
320a		<u>3a. If an online platform rejects an application for services or suspends services to a trader, the trader shall have recourse to the mechanisms under Article 17 and Article 43 of this Regulation.</u>		
Article 22 [Article 22 moved to Article 24a, into new Section 3a](3b)				
320b		<u>3b. Online platforms allowing consumers to conclude contracts with traders shall ensure that the identity, such as the trademark or logo, of the business user providing content, goods or services is clearly visible alongside the content, goods or services offered. For this purpose, the online platform shall establish a standardised interface for business users.</u>		
Article 22 [Article 22 moved to Article 24a, into new Section 3a](3c)				
320c				

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		<u>3c. Traders shall be solely liable for the accuracy of the information provided and shall inform without delay the online platform of any changes to the information provided.</u>		
Article 22 [Article 22 moved to Article 24a, into new Section 3a](4)				
321	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information <u>no later than six months after the final conclusion of a distance contract.</u>	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](5)				
322	5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.	5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.	5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.	

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Article 22 [Article 22 moved to Article 24a, into new Section 3a](6)				
323	6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.	6. The online platform shall make the information referred to in points (a), (d), (e), (f), and (fa) and (f) of paragraph 1 available easily <u>accessible</u> to the recipients of the service, in a clear, easily accessible and comprehensible manner <u>in accordance with the accessibility requirements of Annex I to Directive (EU) 2019/882</u> .	6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.	
Article 22 [Article 22 moved to Article 24a, into new Section 3a](7)				
324	7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.	7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.	7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.	
Article 22a				
324a		<u>Article 22a</u> <u>Obligation to inform consumers and authorities about illegal products and services</u>		
Article 22a(1)				
324b				

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		<p><u>1. Where an online platforms allowing consumers to conclude distance contracts with traders becomes aware, irrespective of the means used to, that a product or a service offered by a trader on the interface of that platform is illegal with regard to applicable requirements in Union or national law, it shall:</u></p> <p><u>(a) remove the illegal product or service from its interface expeditiously and, where appropriate, inform the relevant authorities, such as the market surveillance authority or the custom authority of the decision taken;</u></p> <p><u>(b) where the online platform has the contact details of the recipient of the services, inform those recipients of the service that had acquired such product or service about the illegality, the identity of the trader and options for seeking redress;</u></p> <p><u>(c) compile and make publicly available through application programming interfaces a repository containing information about illegal products and services removed from its platform in the past twelve months along with information about the concerned trader and options for seeking</u></p>		

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		<u>redress.</u>		
Article 22a(2)				
324c		<u>2. Online platforms allowing consumers to conclude distance contracts with traders shall maintain an internal database of illegal products and services removed and/or recipients suspended pursuant to Article 20.</u>		
Article 23				
325	Article 23 Transparency reporting obligations for providers of online platforms	Article 23 Transparency reporting obligations for providers of online platforms	Article 23 Transparency reporting obligations for providers of online platforms	
Article 23(1), introductory part				
326	1. In addition to the information referred to in Article 13, online platforms shall include in the reports referred to in that Article information on the following:	1. In addition to the information referred to in Article 13, online platforms shall include in the reports referred to in that Article information on the following:	1. In addition to the information referred to in Article 13, providers of online platforms shall include in the reports referred to in that Article information on the following:	
Article 23(1), point (a)				
327	(a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in	(a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in	(a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in	

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	Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute settlement procedures;	Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute settlement procedures;	Article 18, the outcomes of the dispute settlement, and the average median time needed for completing the dispute settlement procedures and the share of disputes where the platform implemented the decisions of the body ;	
Article 23(1), point (aa)				
327a		<u>(aa) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average and median time needed for taking those decisions and the number of instances where those decisions were reversed;</u>		
Article 23(1), point (b)				
328	(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of manifestly illegal content, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints;	(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of manifestly illegal content, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints;	(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of manifestly illegal content, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints;	

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Article 23(1), point (c)				
329	(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.	(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.	(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.	
Article 23(1), point (ca)				
329a		<u>(ca) the number of advertisements that were removed, labelled or disabled by the online platform and justification of the decisions.</u>		
Article 23(2)				
330	2. Online platforms shall publish, at least once every six months, information on the average monthly active recipients of the service in each Member State, calculated as an average over the period of the past six months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).	2. Online platforms shall publish, at least once every six <u>twelve</u> months, information on the average monthly active recipients of the service in each Member State, calculated as an average over the period of the past six months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).	2. Providers of online platforms shall publish in a publicly available section of their online interface , at least once every six months, information on the average monthly active recipients of the service in each Member State the Union , calculated as an average over the period of the past six months, in accordance with the methodology laid down in the any delegated acts adopted pursuant to Article 25(2) 25(3) .	

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Article 23(2a)				
330a		<u>2a. Member States shall refrain from imposing additional transparency reporting obligations on the online platforms, other than specific requests in connection with the exercise of their supervisory powers.</u>	2a. Providers of online platforms shall, without undue delay, submit the decisions and the statements of reasons, referred to in Article 15(1), for the inclusion in a structured database managed by the Commission. This database shall be accessible to vetted researchers pursuant to Article 31 and to Digital Services Coordinators, who may grant access to that database to any relevant national authority in their Member States. Providers of online platforms shall ensure that the information submitted does not contain personal data. [moved from Article 15(4)]	
Article 23(3)				
331	3. Online platforms shall communicate to the Digital Services Coordinator of establishment, upon its request, the information referred to in paragraph 2, updated to the moment of such request. That Digital Services Coordinator may require the online platform to provide additional information as regards the calculation referred to in that paragraph, including	3. Online platforms shall communicate to the Digital Services Coordinator of establishment, upon its request, the information referred to in paragraph 2, updated to the moment of such request. That Digital Services Coordinator may require the online platform to provide additional information as regards the calculation referred to in that paragraph, including	3. Providers of online platforms shall communicate to the Digital Services Coordinator of establishment and the Commission, upon their, upon its request, the information referred to in paragraph 2, updated to the moment of such request. That Digital Services Coordinator or the Commission may require the provider of the online platform to provide additional	

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	explanations and substantiation in respect of the data used. That information shall not include personal data.	explanations and substantiation in respect of the data used. That information shall not include personal data.	information as regards the calculation referred to in that paragraph, including explanations and substantiation in respect of the data used. That information shall not include personal data.	
Article 23(3a)				
331a			3a. When the Digital Services Coordinator of establishment determines, based the information received pursuant to paragraphs 2 and 3, that a provider of online platform meets the threshold of average monthly active recipients of the service in the Union, laid down in Article 25(1), it shall inform the Commission thereof.	
Article 23(4)				
332	4. The Commission may adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.	4. The Commission may <u>shall</u> adopt implementing acts to <u>establish a set of key performance indicators and</u> lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.	4. The Commission may adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.	
Article 24				

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333	Article 24 Online advertising transparency	Article 24 Online advertising transparency	Article 24 Online advertising transparency	
Article 24, first paragraph, introductory part				
334	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:	<u>1.</u> 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, <u>concise</u> , and unambiguous manner and in real time:	1. Providers of online platforms that display present advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed presented to each individual recipient, in a clear, salient and unambiguous manner and in real time:	
Article 24, first paragraph, point (a)				
335	(a) that the information displayed is an advertisement;	(a) that the information displayed <u>on the interface or parts thereof</u> is an <u>online</u> advertisement, <u>including through prominent and harmonised marking</u> ;	(a) that the information displayed presented is an advertisement, including through prominent markings. Such markings may be standardised pursuant to Article 34;	
Article 24, first paragraph, point (b)				
336	(b) the natural or legal person on whose behalf the advertisement is displayed;	(b) the natural or legal person on whose behalf the advertisement is displayed;	(b) the natural or legal person on whose behalf the advertisement is displayed presented ;	
Article 24, first paragraph, point (ba)				

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336a		<u>(ba) the natural or legal person who finances the advertisement where this person is different from the natural or legal person referred to in point (b);</u>		
Article 24, first paragraph, point (c)				
337	(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed.	(c) <u>clear,</u> meaningful, <u>and uniform</u> information about the main parameters used to determine the recipient to whom the advertisement is displayed, <u>and where applicable about how to change those parameters.</u>	(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed presented. The information shall be directly and easily accessible from the advertisement.	
Article 24, second paragraph a, introductory part				
337a			2. Providers of online platforms shall provide recipients of the service with a functionality to declare whether the content they provide is or contains commercial communications as defined in Article 2(f) of Directive 2000/31/EC.	
Article 24, first paragraph				
337b			When the recipient of the service	

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			submits a declaration pursuant to this paragraph, the provider of online platform shall ensure that other recipients of the service can identify in a clear and unambiguous manner and in real time, including through prominent markings, that the content provided by the recipient of the service is or contains commercial communications. Such markings may be standardised pursuant to Article 34.	
Article 24, first paragraph a				
337c		<u><i>1a. Online platforms shall ensure that recipients of services can easily make an informed choice on whether to consent, as defined in Article 4 (11) and Article 7 of Regulation (EU) 2016/679, in processing their personal data for the purposes of advertising by providing them with meaningful information, including information about how their data will be monetised. Online platforms shall ensure that refusing consent shall be no more difficult or time-consuming to the recipient than giving consent. In the event that recipients refuse to consent, or have withdrawn consent, recipients shall</i></u>		

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		<u><i>be given other fair and reasonable options to access the online platform.</i></u>		
Article 24, first paragraph b				
337d		<u><i>1b. Targeting or amplification techniques that process, reveal or infer personal data of minors or personal data referred to in Article 9(1) of Regulation (EU) 2016/679 for the purpose of displaying advertisements are prohibited.</i></u>		
Section 3a				
337e			Section 3a Provisions applicable to providers of online marketplaces	
Article 22				
337f	Article 22 Traceability of traders Moved reference text		Article 22 24a Traceability of traders	
Article 22(1), introductory part				
337g	1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure		1. Where an online platform allows consumers to conclude distance contracts with traders, it Providers	

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	<p>that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:</p> <p>Moved reference text</p>		<p>of online marketplaces shall ensure that traders can only use itstheir services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of itstheir services, the providers of online platform hasmarketplaces have obtained the following information, where applicable:</p>	
Article 22(1), point (a)				
337h	<p>(a) the name, address, telephone number and electronic mail address of the trader;</p> <p>Moved reference text</p>		<p>(a) the name, address, telephone number and electronic mail address of the trader;</p>	
Article 22(1), point (b)				
337i	<p>(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council¹;</p> <p>1. 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</p>		<p>(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council¹;</p> <p>1. 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.</p>	

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	Moved reference text			
Article 22(1), point (c)				
337j	(c) the bank account details of the trader, where the trader is a natural person; Moved reference text		(c) the bank payment account details of the trader, where the trader is a natural person;	
Article 22(1), point (d)				
337k	(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council ¹ or any relevant act of Union law; ¹ . 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). Moved reference text		(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council ¹ or any relevant act of Union law; ¹ . 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).	
Article 22(1), point (e)				
337l	(e) where the trader is registered in		(e) where the trader is registered in	

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	a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register; Moved reference text		a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;	
Article 22(1), point (f)				
337m	(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law. Moved reference text		(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.	
Article 22(2)				
337n	2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources. Moved reference text		2. The provider of the online platform marketplace shall, upon receiving that information, make reasonable best efforts to assess, prior to the use of their services, 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.	

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Article 22(3), introductory part				
337o	<p>3. Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.</p> <p>Moved reference text</p>		<p>3. Where the provider of the online platformmarketplace obtains sufficient indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate, incomplete or not up to date, that provider-or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate, complete and up to date and complete, without delay or within the time period set by Union and national law.</p>	
Article 22(3), first paragraph				
337p	<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.</p> <p>Moved reference text</p>		<p>Where the trader fails to correct or complete that information, the online platform provider of online marketplace shall suspend the provision of its service to the trader until the request is complied with.</p>	
Article 22(4)				
337q	<p>4. The online platform shall store the information obtained pursuant to</p>		<p>4. The provider of the online platformmarketplace shall store the</p>	

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	<p>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.</p> <p>Moved reference text</p>		<p>information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their 6 months after the end of the contractual relationship with the trader concerned. They shall subsequently delete the information.</p>	
Article 22(5)				
337r	<p>5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.</p> <p>Moved reference text</p>		<p>5. Without prejudice to paragraph 2 of this Article, the providers of online marketplaces, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.</p>	
Article 22(6)				
337s	<p>6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.</p> <p>Moved reference text</p>		<p>6. The provider of online platform marketplace shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, at least on the product listing, in a clear, easily accessible and comprehensible manner.</p>	

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Article 22(7)				
337t	<p>7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.</p> <p>Moved reference text</p>		<p>7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law. [this provision is moved to Article 24b]</p>	
Article 24b(1)				
337u			<p>Article 24b Compliance by design</p>	
Article 24b(-1)				
337v			<p>-1. Providers of online marketplaces shall not design, structure, or organise their online interface in a way that either purposefully or in effect deceives or manipulates recipients of the service, by subverting or impairing their autonomy, decision-making or choices.</p>	
Article 24b(3)				
337w				

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			1. Providers of online marketplaces shall design and organise their online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.	
Article 24b(1), first subpara				
337x			In particular, such online interfaces shall enable traders to provide information on the name, address, telephone number and electronic mail address of the economic operator, as defined in Article 3(13) of Regulation (EU) 2019/1020.	
Article 24b(2)				
337y			2. The online interface shall allow traders to provide at least the information necessary for the clear and unambiguous identification of the products or the services offered, and, where applicable, the information concerning the labelling in compliance with rules of applicable Union law on product	

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			safety and product compliance.	
Article 24b(3)				
337z			3. Providers of online marketplaces shall make best efforts to assess whether traders have provided the information referred to in paragraphs 1 and 2 prior to allowing the offering of the product or service by the trader.	
Article 24c				
337aa			Article 24c Right to information	
Article 24c(1)				
337ab			1. Where a provider of an online marketplace becomes aware, irrespective of the means used to, of an illegal product or service offered through its services, it shall inform those recipients of the service that had acquired such product or contracted such service during the last six months about the illegality, the identity of the trader and any relevant means of redress.	

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Article 24c(2)				
337ac			2. Where the provider of the online marketplace does not have the contact details of the recipients of the service referred to in paragraph 1, the provider shall make publicly available and easily accessible on its online interface the information concerning the illegal products or services removed, the identity of the trader and any means of redress.	
Article 24a				
337ad		<u>Article 24a</u> <u>Recommender system</u> <u>transparency</u>		
Article 24a (1)				
337ae		<u>1. Online platforms shall set out in their terms and conditions and via a designated online resource that can be directly reached and easily found from the online platform's online interface when content is recommended, in a clear, accessible and easily comprehensible manner the main parameters used in their</u>		

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		<u>recommender systems, as well as any options for the recipient of the service to modify or influence those main parameters that they have made available.</u>		
Article 24a (2)				
337af		<p><u>2. The main parameters referred to in paragraph 1 shall include, at a minimum:</u></p> <p><u>(a) the main criteria used by the relevant system which individually or collectively are most significant in determining recommendations;</u></p> <p><u>(b) the relative importance of those parameters;</u></p> <p><u>(c) what objectives the relevant system has been optimised for; and</u></p> <p><u>(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.</u></p> <p><u>The requirements set out in paragraph 2 shall be without prejudice to rules on protection of trade secrets and intellectual property rights.</u></p>		
Article 24a (3)				

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337ag		<u>3. Where several options are available pursuant to paragraph 1, online platforms shall provide a clear and easily accessible function on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.</u>		
Article 24b				
337ah		<u>Article 24b</u> <u>Additional obligations for platforms primarily used for the dissemination of user-generated pornographic content</u>		
Article 24b (1)				
337ai		<u>Where an online platform is primarily used for the dissemination of user generated pornographic content, the platform shall take the necessary technical and organisational measures to ensure:</u> <u>(a) that users who disseminate content have verified themselves through a double opt-in e-mail and</u>		

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		<u>cell phone registration;</u> <u>(b) professional human content moderation, trained to identify image-based sexual abuse, including content having a high probability of being illegal;</u> <u>(c) the accessibility of a qualified notification procedure in the form that, additionally to the mechanism referred to in Article 14, individuals may notify the platform with the claim that image material depicting them or purporting to be depicting them is being disseminated without their consent and supply the platform with prima facie evidence of their physical identity; content notified through this procedure is to be suspended without undue delay.</u>		
Section 4				
338	Section 4 Additional obligations for very large online platforms to manage systemic risks	Section 4 Additional obligations for very large online platforms to manage systemic risks	Section 4 -Additional obligations for providers of very large online platforms and very large online search engines to manage systemic risks	
Article 25				
339	Article 25 Very large online platforms	Article 25 Very large online platforms	Article 25 Very large online platforms	

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Article 25(1)				
340	<p>1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.</p>	<p>1. This Section shall apply to online platforms which:</p> <p><u>(a) provide for at least four consecutive months</u> provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3. <u>Such a methodology shall take into account, in particular:</u></p> <p><u>(i) the number of active recipients shall be based on each service individually;</u></p> <p><u>(ii) active recipients connected on multiple devices are counted only once;</u></p> <p><u>(iii) indirect use of service, via a third party or linking, shall not be counted;</u></p> <p><u>(iv) where an online platform is hosted by another provider of intermediary services, that the active recipients are assigned solely to the online platform closest to the recipient;</u></p> <p><u>(v) that automated interactions, accounts or data scans</u></p>	<p>1. This Section shall apply to online platforms which provide their services to reach a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in and which are designated as very large online platforms pursuant to paragraph 34.</p>	

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		<u><i>by a non-human ("bots") are not included.</i></u>		
Article 25(2)				
341	2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number of average monthly recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to 10% of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.	2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number of average monthly recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to 10% of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.	2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number of average monthly active recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to 10% of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.	
Article 25(3)				
342	3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active recipients of the service in the	3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active recipients of the service in the	3. The Commission shall may adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific provide additional specifications for the methodology for calculating the number of	

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	Union, for the purposes of paragraph 1. The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active recipients of the service in the Union, taking into account different accessibility features.	Union, for the purposes of paragraph 1(a) . The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active recipients of the service in the Union, taking into account different accessibility features.	average monthly active recipients of the service in the Union, for the purposes of paragraph 1. The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active recipients of the service in the Union, taking into account different accessibility features of this Article and Article 23(2), in order to regularly adapt such specifications for the methodology to market and technological developments.	
Article 25(4), introductory part				
343	4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the Commission.	4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the Commission.	4. The Commission shall, after having heard the Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is concerned, adopt a decision designating as a very large online platform for the purposes of this Regulation the online platform which has a number of average monthly active recipients of the service equal to or higher than the number referred to in paragraph 1. On the basis of that verification,	

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			<p>ifThe Commission shall adopt a take its decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the Commission on the basis of data reported by the provider of the online platform pursuant to Article 23(2), and, where applicable, additional information requested pursuant to Article 23(3) and any other reliable data.</p>	
Article 25(4), first paragraph -a				
343a			<p>The failure by the provider of the online platform to comply with Article 23(2) or to comply with the request by the Digital Services Coordinator of establishment or by the Commission pursuant to Article 23(3) shall not prevent the Commission from designating that provider as a provider of very large online platform pursuant to this paragraph or pursuant to any other information otherwise obtained by the Digital Services Coordinator of establishment or the Commission.</p>	

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Article 25(4), first paragraph -b				
343b			When the Commission bases its decision on other reliable data pursuant to the first sub-paragraph of this paragraph, the Commission shall give the opportunity to the concerned provider of online platform to provide its views within 10 working days on the preliminary findings by the Commission that it intends to designate the online platform as a very large online platform and shall take due account of the views provided by the concerned provider.	
Article 25(4), first paragraph -c				
343c			The absence of the views of the provider of the online platform pursuant to the second sub-paragraph of this paragraph shall not prevent the Commission from designating that online platform as a very large online platform based on such reliable data.	
Article 25(5),				
343d			5. Where the Commission establishes that during one year	

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			the number of average monthly active recipients of the online platform is below the threshold referred to in paragraph 1, it shall terminate the designation of the online platform as a very large online platform by decision.	
Article 25(6),				
343e			6. The Commission shall communicate its decisions pursuant to paragraphs 4 and 5, without undue delay, to the provider of the online platform concerned, to the Board and to the Digital Services Coordinator of establishment.	
Article 25(4), first paragraph				
344	The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations of this Section shall apply, or cease to apply, to the very large online platforms concerned from four months after that publication.	The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations of this Section shall apply, or cease to apply, to the very large online platforms concerned from four months after that publication.	The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations of set out in this Section shall apply, or cease to apply, to the very large online platforms concerned from four months after that publication.	
Article 26				

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345	Article 26 Risk assessment	Article 26 Risk assessment	Article 26 Risk assessment	
Article 26(1), introductory part				
346	1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:	1. Very large online platforms shall <u>effectively and diligently</u> identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, <u>and in any event before launching new services, the probability and severity of</u> any significant systemic risks stemming from, <u>the design, algorithmic systems, intrinsic characteristics,</u> the functioning and use made of their services in the Union. <u>The risk assessment shall take into account risks per Member State in which services are offered and in the Union as a whole, in particular to a specific language or region.</u> This risk assessment shall be specific to their services <u>and activities, including technology design, business-model choices,</u> and shall include the following systemic risks:	1. Providers of very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4) 25(6) , at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:	
Article 26(1), point (a)				
347				

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	(a) the dissemination of illegal content through their services;	(a) the dissemination of illegal content through their services <u>or content that is in breach with their terms and conditions</u> ;	(a) the dissemination of illegal content through their services;	
Article 26(1), point (b)				
348	(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;	(b) any <u>actual and foreseeable</u> negative effects for the exercise of the fundamental rights, <u>including for consumer protection</u> , to respect for <u>human dignity</u> , private and family life, <u>the protection of personal data and the</u> freedom of expression and information, <u>as well as to the freedom and the pluralism of the media</u> , the prohibition of discrimination, <u>the right to gender equality</u> , and the rights of the child, as enshrined in Articles <u>1, 7, 8, 11, 21, 23, 24 and 38</u> 7, 11, 21 and 24 of the Charter respectively;	(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;	
Article 26(1), point (c)				
349	(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to	(c) <u>any malfunctioning or</u> intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service <u>or risks inherent to the intended operation of the service, including the amplification of illegal content, of</u>	(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to	

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	electoral processes and public security.	<u><i>content that is in breach with their terms and conditions or any other content</i></u> , with an actual or foreseeable negative effect on the protection of public health, minors, minors and of other vulnerable groups of recipients of the service, on democratic values, media freedom, freedom of expression and civic discourse, or actual or foreseeable effects related to electoral processes and public security.;	electoral processes and public security.	
Article 26(1), point (ca)				
349a		<u><i>(ca) any actual and foreseeable negative effects on the protection of public health as well as behavioural addictions or other serious negative consequences to the person's physical, mental, social and financial well-being.</i></u>		
Article 26(2)				
350	2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement	2. When conducting risk assessments, very large online platforms shall take into account, in particular, <u><i>whether and</i></u> how their content moderation systems, <u><i>terms and conditions, community standards, algorithmic systems,</i></u>	2. When conducting risk assessments, providers of very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and	

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	influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.	recommender systems and systems for selecting and displaying advertisement, <u>as well as the underlying data collection, processing and profiling</u> , influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.	displaying presenting advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.	
Article 26(2a)				
350a		<u>2a. When conducting risk assessments, very large online platforms shall consult, where appropriate, representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. Their involvement shall be tailored to the specific systemic risks that the very large online platform aim to assess.</u>		
Article 26(2b)				
350b		<u>2b. The supporting documents of the risk assessment shall be communicated to the Digital Services Coordinator of</u>		

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		<u>establishment and to the Commission.</u>		
Article 26(2c)				
350c		<u>2c. The obligations referred to in paragraphs 1 and 2 shall by no means lead to a general monitoring obligation.</u>		
Article 27				
351	Article 27 Mitigation of risks	Article 27 Mitigation of risks	Article 27 Mitigation of risks	
Article 27(1), introductory part				
352	1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:	1. Very large online platforms shall put in place reasonable, <u>transparent</u> , proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:	1. Providers of very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26, with particular consideration to the impacts of such measures on fundamental rights . Such measures may include, where applicable:	
Article 27(1), point (a)				
353	(a) adapting content moderation or	(a) adapting content moderation,	(a) adapting content moderation or	

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	recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;	<u>algorithmic systems</u> , or recommender systems <u>and online interfaces</u> , their decision-making processes, the <u>design, the</u> features or functioning of their services, <u>their advertising model</u> or their terms and conditions;	recommender systems, their decision-making processes, [moved to point aa] the features or functioning of their services, or their terms and conditions and recommender systems ;	
Article 27(1), point (aa)				
353a		<u>(aa) ensuring appropriate resources to deal with notices and internal complaints, including appropriate technical and operational measures or capacities;</u>	(aa) adapting content moderation processes, including the speed and quality of processing notices related to specific types of illegal content and, where appropriate, the expeditious removal of or disabling access to the content notified, in particular for the majority of illegal hate speech; as well as adapting any relevant decision-making processes and dedicated resources for content moderation;	
Article 27(1), point (b)				
354	(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide;	(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide, <u>or the alternative placement and display of public service advertisements or other related factual information;</u>	(b) targeted measures aimed at limiting the display presentation of advertisements in association with the service they provide;	

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Article 27(1), point (ba)				
354a		<u>(ba) where relevant, targeted measures aimed at adapting online interfaces and features to protect minors;</u>		
Article 27(1), point (c)				
355	(c) reinforcing the internal processes or supervision of any of their activities in particular as regards detection of systemic risk;	(c) reinforcing the internal processes, <u>and resources, testing, documentation,</u> or supervision of any of their activities in particular as regards detection of systemic risk;	(c) reinforcing the internal processes or supervision of any of their activities in particular as regards detection of systemic risk;	
Article 27(1), point (d)				
356	(d) initiating or adjusting cooperation with trusted flaggers in accordance with Article 19;	(d) initiating or adjusting cooperation with trusted flaggers in accordance with Article 19;	(d) initiating or adjusting cooperation with trusted flaggers in accordance with Article 19 and the implementation of the decision of out-of-court dispute settlement bodies pursuant to Article 18;	
Article 27(1), point (e)				
357	(e) initiating or adjusting cooperation with other online platforms through the codes of conduct and the crisis protocols	(e) initiating or adjusting cooperation with other online platforms through the codes of conduct and the crisis protocols	(e) initiating or adjusting cooperation with other providers of online platforms through the codes of conduct and the crisis protocols	

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	referred to in Article 35 and 37 respectively.	referred to in Article 35 and 37 respectively.	referred to in Article 35 and 37 respectively-;	
Article 27(1), point (f)				
357a			(f) taking awareness-raising measures and adapting their online interface for increased user information;	
Article 27(1), point (g)				
357b			(g) taking targeted measures to protect the rights of the child, including age verification and parental control tools, or tools aimed at helping minors signal abuse or obtain support, as appropriate.	
Article 27(1a)				
357c		<u><i>1a. Very large online platforms shall, where appropriate, design their risk mitigation measures with the involvement of representatives of the recipients of the service, independent experts and civil society organisations. Where no such involvement is foreseen, this shall be made clear in the transparency report referred to in</i></u>		

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		<u>Article 33.</u>		
Article 27(1b)				
357d		<u>1b. Very large online platforms shall provide a detailed list of the risk mitigation measures taken and their justification to the independent auditors in order to prepare the audit report referred to in Article 28.</u>		
Article 27(1c)				
357e		<u>1c. The Commission shall evaluate the implementation and effectiveness of mitigating measures undertaken by very large online platforms referred to in Article 27(1) and where necessary, may issue recommendations.</u>		
Article 27(2), introductory part				
358	2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the following:	2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year; which. <u>The reports</u> shall include the following:	2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the following:	
Article 27(2), point (a)				

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359	(a) identification and assessment of the most prominent and recurrent systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;	(a) identification and assessment of the most prominent and recurrent systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article <u>Articles 30, 31 and 33;</u>	(a) identification and assessment of the most prominent and recurrent systemic risks reported by providers of very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;	
Article 27(2), point (b)				
360	(b) best practices for very large online platforms to mitigate the systemic risks identified.	(b) best practices for very large online platforms to mitigate the systemic risks identified.	(b) best practices for providers of very large online platforms to mitigate the systemic risks identified.	
Article 27(2a)				
360a		<u><i>2a. The reports shall be presented per Member State in which the systemic risks occurred and in the Union as a whole. The reports shall be published in all the official languages of the Member States of the Union.</i></u>		
Article 27(3)				
361	3. The Commission, in cooperation with the Digital Services Coordinators, may issue general	3. The Commission, in cooperation with the Digital Services Coordinators, may <u>and following</u>	3. The Commission, in cooperation with the Digital Services Coordinators, may issue general	

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	guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.	<u>public consultation shall</u> issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.	guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.	
Article 27(3a)				
361a		<u>3a. The requirement to put in place mitigation measures shall not lead to a general monitoring obligation or active fact-finding obligations.</u>		
Article 28				
362	Article 28 Independent audit	Article 28 Independent audit	Article 28 Independent audit	
Article 28(1), introductory part				
363	1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the following:	1. Very large online platforms shall be subject, at their own expense and at least once a year, to <u>independent</u> audits to assess compliance with the following:	1. Providers of very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the following:	

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Article 28(1), point (a)				
364	(a) the obligations set out in Chapter III;	(a) the obligations set out in Chapter III;	(a) the obligations set out in Chapter III;	
Article 28(1), point (b)				
365	(b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.	(b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.	(b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.	
Article 28(1a)				
365a		<u><i>1a. Very large online platforms shall ensure auditors have access to all relevant data necessary to perform the audit properly.</i></u>		
Article 28(2), introductory part				
366	2. Audits performed pursuant to paragraph 1 shall be performed by organisations which:	2. Audits performed pursuant to paragraph 1 shall be performed by organisations which <u><i>having been recognised and vetted by the Commission and which:</i></u>	2. Audits performed pursuant to paragraph 1 shall be performed according to best industry practices by organisations which:	
Article 28(2), point (a)				

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367	(a) are independent from the very large online platform concerned;	(a) are <u>legally and financially</u> independent from, <u>and do not have conflicts of interest with</u> the very large online platform concerned <u>and other very large online platforms</u> ;	(a) are independent from the provider of very large online platform platforms concerned;	
Article 28(2), point (aa)				
367a		<u>(aa) auditors and their employees have not provided any other service to the very large online platform audited 12 months before the audit and commit not to work for the very large online platform audited or a professional organisation or business association of which the platform is a member for 12 months after their position in the auditing organisation has ended;</u>		
Article 28(2), point (b)				
368	(b) have proven expertise in the area of risk management, technical competence and capabilities;	(b) have proven expertise in the area of risk management, technical competence and capabilities;	(b) have proven expertise in the area of risk management, technical competence and capabilities;	
Article 28(2), point (c)				
369	(c) have proven objectivity and professional ethics, based in particular on adherence to codes of	(c) have proven objectivity and professional ethics, based in particular on adherence to codes of	(c) have proven objectivity and professional ethics, based in particular on adherence to codes of	

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	practice or appropriate standards.	practice or appropriate standards.	practice or appropriate standards.	
Article 28(3), introductory part				
370	3. The organisations that perform the audits shall establish an audit report for each audit. The report shall be in writing and include at least the following:	3. The organisations that perform the audits shall establish an audit report for each audit <u>subject as referred to in paragraph 1</u> . The report shall be in writing and include at least the following:	3. The organisations that perform the audits shall establish an audit report for each audit. The report shall be substantiated in writing and include at least the following:	
Article 28(3), point (a)				
371	(a) the name, address and the point of contact of the very large online platform subject to the audit and the period covered;	(a) the name, address and the point of contact of the very large online platform subject to the audit and the period covered;	(a) the name, address and the electronic point of contact of the provider of the very large online platform subject to the audit and the period covered;	
Article 28(3), point (b)				
372	(b) the name and address of the organisation performing the audit;	(b) the name and address of the organisation performing the audit;	(b) the name and address of the organisation performing the audit;	
Article 28(3), point (ba)				
372a		<u>(ba) a declaration of interests;</u>		
Article 28(3), point (c)				
373				

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	(c) a description of the specific elements audited, and the methodology applied;	(c) a description of the specific elements audited, and the methodology applied;	(c) a description of the specific elements audited, and the methodology applied;	
Article 28(3), point (d)				
374	(d) a description of the main findings drawn from the audit;	(d) a description of the main findings drawn from the audit <i>and a summary of the main findings</i> ;	(d) a description of the main findings drawn from the audit;	
Article 28(3), point (da)				
374a		<i>(da) a description of the third parties consulted as part of the audit</i> ;		
Article 28(3), point (e)				
375	(e) an audit opinion on whether the very large online platform subject to the audit complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;	(e) an audit opinion on whether the very large online platform subject to the audit complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;	(e) an audit opinion on whether the provider of the very large online platform subject to the audit complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;	
Article 28(3), point (f)				
376	(f) where the audit opinion is not positive, operational recommendations on specific	(f) where the audit opinion is not positive, operational recommendations on specific	(f) where the audit opinion is not positive, operational recommendations on specific	

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	measures to achieve compliance.	measures to achieve compliance.	measures to achieve compliance and the expected timeframe to achieve compliance.	
Article 28(3), point (fa)				
376a		<u>(fa) a description of specific elements that could not be audited, and an explanation of why these could not be audited;</u>		
Article 28(3), point (fb)				
376b		<u>(fb) where the audit opinion could not reach a conclusion for specific elements within the scope of the audit, a statement of reasons for the failure to reach such conclusion.</u>		
Article 28(4)				
377	4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not	4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not	4. Providers of very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where	

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	implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.	implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.	they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.	
Article 28(4a)				
377a		<u>4a. The Commission shall publish and regularly update a list of vetted organisations.</u>		
Article 28(4b)				
377b		<u>4b. Where a very large online platform receives a positive audit report, it shall be entitled to request from the Commission a seal of excellence.</u>		
Article 29				
378	Article 29 Recommender systems	Article 29 Recommender systems	Article 29 Recommender systems	
Article 29(1)				
379	1. Very large online platforms that	1. <u>In addition to the requirements</u>	1. Providers of very large online	

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	use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.	<u>set out in Article 24a</u> , very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems <u>provide at least one recommender system which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679</u> , as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679 <u>an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.</u>	platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of as defined in Article 4(4) defined in Article 4(4) of Regulation (EU) 2016/679. Providers of very large online platforms shall also make this information directly and easily accessible on the specific section of the online interface where the information is being prioritised according to the recommender system.	
Article 29(2)				
380	2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible	2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible	2. Where several options are available pursuant to paragraph 1, providers of very large online platforms shall provide an a directly	

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	functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.	functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.	and easily accessible functionality on their online interface where the information is prioritised , 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.	
Article 29(3)				
380a			3. When presenting options pursuant to this Article, providers of very large online platforms shall not seek to subvert or impair the autonomy, decision-making, or choice of the recipient of the service through the design, structure, function or manner of operating of their online interface.	
Article 30				
381	Article 30 Additional online advertising transparency	Article 30 Additional online advertising transparency	Article 30 Additional online advertising transparency	
Article 30(1)				
382	1. Very large online platforms that display advertising on their online	1. Very large online platforms that display advertising on their online	1. Providers of very large online platforms that display present	

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	<p>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.</p>	<p>interfaces shall compile and make publicly available <u>and searchable through easy to access, efficient and reliable tools</u> 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 <u>multicriterion queries can be performed per advertiser and per all data points present in the advertisement, the target of the advertisement, and the audience the advertiser wishes to reach. They shall ensure that</u> the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed <u>and shall make reasonable efforts to ensure that the information is accurate and complete.</u></p>	<p>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 displayedpresented 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 displayedpresented.</p>	
Article 30(2), introductory part				
383	<p>2. The repository shall include at least all of the following information:</p>	<p>2. The repository shall include at least all of the following information:</p>	<p>2. The repository shall include at least all of the following information:</p>	
Article 30(2), point (a)				
384				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	(a) the content of the advertisement;	(a) the content of the advertisement, <u>including the name of the product, service or brand and the object of the advertisement</u> ;	(a) the content of the advertisement, including the name of the product, service or brand and the subject matter of the advertisement ;	
Article 30(2), point (b)				
385	(b) the natural or legal person on whose behalf the advertisement is displayed;	(b) the natural or legal person on whose behalf the advertisement is displayed;	(b) the natural or legal person on whose behalf the advertisement is displayed presented ;	
Article 30(2), point (ba)				
385a		<u>(ba) the natural or legal person who paid for the advertisement, where that person is different from the one referred to in point (b);</u>		
Article 30(2), point (c)				
386	(c) the period during which the advertisement was displayed;	(c) the period during which the advertisement was displayed;	(c) the period during which the advertisement was displayed presented ;	
Article 30(2), point (d)				
387	(d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, the main parameters used for that	(d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, the main parameters used for that	(d) whether the advertisement was intended to be displayed presented specifically to one or more particular groups of recipients of the service and if so, the main parameters used	

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	purpose;	purpose <u>including any parameters used to exclude particular groups;</u>	for that purpose;	
Article 30(2), point (da)				
387a		<u>(da) where it is disclosed, a copy of the content of commercial communications published on the very large online platforms that are not marketed, sold or arranged by the very large online platform, which have through appropriate channels been declared as such to the very large online platform;</u>		
Article 30(2), point (e)				
388	(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.	(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.	(e) the total number of recipients of the service reached and, where applicable, aggregate numbers in each Member State for the group or groups of recipients to whom the advertisement was targeted specifically.	
Article 30(2), point (ea)				
388a		<u>(ea) cases where the advertisement was removed on the basis of a notice submitted in accordance with Article 14 or an order issued pursuant to Article 8.</u>		

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Article 30(2a)				
388b		<u>2a The Board shall, after consulting vetted researchers, publish guidelines on the structure and organisation on repositories created pursuant to paragraph 1.</u>		
Article 30a				
388c		<u>Article 30a</u> <u>Deep fakes</u>		
Article 30a(1)				
388d		<u>Where a very large online platform becomes aware that a piece of content is a generated or manipulated image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful (deep fakes), the provider shall label the content in a way that informs that the content is inauthentic and that is clearly visible for the recipient of the services.</u>		
Article 31				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
389	Article 31 Data access and scrutiny	Article 31 Data access and scrutiny	Article 31 Data access and scrutiny	
Article 31(1)				
390	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, <u>and without delay</u> 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 <u>request, access and</u> use that data for those purposes.	1. Providers of 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.	
Article 31(1a)				
390a		<u>1a. The very large online platform shall be obliged to explain the design, logic and the functioning of the algorithms if requested by the Digital Service Coordinator of establishment.</u>	1a. Digital Services Coordinators and the Commission shall use that data accessed pursuant to paragraph 1 only for the purpose of monitoring and assessing compliance with this Regulation and shall take due account of the rights and interests of the providers of very large online platforms and the recipients of the service concerned, including the	

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			protection of personal data, the protection of confidential information, in particular trade secrets, and maintaining the security of their service.	
Article 31(2)				
391	2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).	2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers, <u>vetted not-for-profit bodies, organisations or associations</u> , who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification, <u>mitigation</u> and understanding of systemic risks as set out in Article 26(1) <u>and Article 27(1)</u> .	2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, providers of very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the detection , identification and understanding of systemic risks in the Union , as set out in pursuant to Article 26(1), including as regards the adequacy, efficiency and impacts of the risk mitigation measures pursuant to Article 27.	
Article 31(2a), introductory part				
391a	6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the	62a. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the	62a. Within 15 days following receipt of a request as referred to in paragraph 1 and 2 , a 2, providers of very large online platform platforms	

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	<p>Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:</p> <p>Moved reference text</p>	<p>Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:</p> <p><u>Vetted researchers, vetted not-for-profit bodies, organisations and associations shall have access to aggregate numbers for the total views and view rate of content prior to a removal on the basis of orders issued in accordance with Article 8 or content moderation engaged in at the provider's own initiative and under its terms and conditions.</u></p>	<p>may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:</p>	
Article 31(2a), point (a)				
391b	<p>(a) it does not have access to the data;</p> <p>Moved reference text</p>		<p>(a) it does not have access to the data;</p>	
Article 31(2a), point (b)				
391c	<p>(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.</p> <p>Moved reference text</p>		<p>(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.</p>	

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Article 31(7), introductory part				
391d	<p>7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.</p> <p>Moved reference text</p>		<p>72b. Requests for amendment pursuant to point (b) of paragraph 62a shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.</p>	
Article 31(7), first paragraph				
391e	<p>The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.</p> <p>Moved reference text</p>		<p>The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the provider of very large online platformplatforms its decision and, where relevant, the amended request and the new time period to comply with the request.</p>	
Article 31(3)				
392	<p>3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online</p>	<p>3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online</p>	<p>3. Providers of very large online platforms shall facilitate and provide access to data pursuant to</p>	

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	databases or application programming interfaces, as appropriate.	databases or application programming interfaces, as appropriate, <u>and with an easily accessible and user-friendly mechanism to search for multiple criteria</u> .	paragraphs 1 and 2 through appropriate interfaces specified in the request, including online databases or application programming interfaces, as appropriate.	
Article 31(4), introductory part				
392a			4. Upon a duly substantiated application from researchers, the Digital Services Coordinator of establishment shall award them status of vetted researchers and issue data access requests pursuant to paragraph 2, where the researchers demonstrate that they meet all of the following conditions:	
Article 31(3b), introductory part				
392b			(a) they are affiliated to a research organisation as defined in Article 2 (1) of Directive (EU) 2019/790 of the European Parliament and of the Council ;	
Article 31(3b), point (a)				
392c			(b) they are independent from commercial interests;	

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Article 31(3b), point (b)				
392d			(c) they are in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request and to protect personal data, and they describe in their request the appropriate technical and organisational measures they put in place to this end;	
Article 31(3b), point (c)				
392e			(d) the application submitted by the researchers justifies the necessity and proportionality for the purpose of their research of the data requested and the timeframes within which they request access to the data, and they demonstrate the contribution of the expected research results to the purposes laid down in paragraph 2;	
Article 31(3b), point (d)				
392f			(e) the planned research activities will be carried out for the purposes laid down in paragraph	

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			2;	
Article 31(3b), point (e)				
392g			(f) they carry their activities according to the procedures laid down in delegated acts referred to in paragraph 5;	
Article 31(3b), point (f)				
392h			(g) they have not already filed the same application with the Digital Services Coordinator.	
Article 31(3b), point (g)				
392i			Upon receipt of the application pursuant to this paragraph, the Digital Services Coordinator of establishment shall inform the Commission and the Board.	
Article 31(4-a),				
392j			4-a. Researchers may also submit their application to the Digital Services Coordinator of the Member State of the research organisation to which they are affiliated. Upon receipt of the	

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			application pursuant to this paragraph the Digital Services Coordinator shall conduct an initial assessment whether the respective researchers meet all of the conditions set out in paragraph 4 and subsequently send the application, together with the supporting documents submitted by the respective researchers and the initial assessment, to the Digital Services Coordinator of establishment.	
Article 31(4-a), first paragraph				
392k			While taking due account of the provided initial assessment, the final decision to award a researcher the status of vetted researcher lies within the competence of Digital Services Coordinator of establishment, pursuant to paragraph 4.	
Article 31(4a)				
392l			4a. The Digital Services Coordinator that awarded the status of vetted researcher and issued the access request in favour of a vetted researcher shall issue a decision terminating the access if	

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			it determines, following an investigation either on its own initiative or on the basis of information received from third parties, that the vetted researcher no longer meets the conditions set out in paragraph 4. Before terminating the access, the Digital Services Coordinator shall allow the vetted researcher to react to the findings of its investigation and its intention to terminate the access.	
Article 31(4b)				
392m			4b. Digital Services Coordinators shall communicate to the Board the names and contact information of the natural persons or entities to which they have awarded the status of the vetted researcher as well as the purpose of the research underpinning the request in accordance with paragraph 4 or that they have terminated it in accordance with paragraph 4a.	
Article 31(4c)				
392n			4c. Providers of very large online platforms shall not restrict or prevent in any way access to data	

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			publicly accessible in their online interface for researchers who comply with the conditions set in points a), b), c) and d) of paragraph 4 and who use the data solely for performing research that contributes to the detection, identification and understanding of systemic risks in the Union as set out pursuant to Article 26(1).	
Article 31(4d)				
392o			4d. Upon completion of the research envisaged in paragraphs 2 and 4, the vetted researchers shall make their research results publicly available free of charge, taking into account the rights and interests of the recipients of the service concerned in compliance with Regulation (EU) 2016/679.	
Article 31(4)				
393	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	4. In order to be vetted <u>by the Digital Services Coordinator of establishment or the Commission</u> , researchers, <u>not-for-profit bodies, organisations or associations shall:</u> (a) shall be affiliated with academic institutions, or civil society organisations representing	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	

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	preserve the specific data security and confidentiality requirements corresponding to each request.	<p><u>the public interest and meeting the requirements under Article 68;</u></p> <p><u>(b) be independent from commercial interests, including from any very large online platform;</u></p> <p><u>(c) disclose the funding financing the research;</u></p> <p><u>(d) be independent from any government, administrative or other state bodies, outside the academic institution of affiliation if public;</u></p> <p><u>(e) 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; and</u></p> <p><u>(f) preserve the specific data security and confidentiality requirements corresponding to each request.</u></p>	preserve the specific data security and confidentiality requirements corresponding to each request. [amended and moved to paragraphs 4a, 4b and 4c]	
Article 31(4a)				
393a		<p><u>4a. Where a very large online platform has grounds to believe that a researcher, a not-for-profit body, an organisation or association is acting outside the purpose of paragraph 2 or no longer respects the conditions of paragraph 4, it shall immediately inform the relevant authority, either the Digital Service Coordinator of</u></p>		

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		<u>establishment or the Commission, which shall decide without undue delay if access shall be withdrawn and when the access shall be restored and under what conditions.</u>		
Article 31(4b)				
393b		<u>4b. Where the Digital Services Coordinator of establishment, or the Commission have grounds to believe that a researcher, a not-for-profit body, an organisation or association is acting outside the purpose of paragraph 2 or no longer respects the conditions of paragraph 4, it shall immediately inform the very large online platform. The very large online platform shall be entitled to withdraw access to data upon receiving the information. The Digital Services Coordinator of establishment, or the Commission shall decide if and when access shall be restored and under what conditions.</u>		
Article 31(5)				
394	5. The Commission shall, after consulting the Board, adopt delegated acts laying down the	5. The Commission shall, after consulting the Board, <u>and no later than one year after entry into force</u>	5. The Commission shall, after consulting the Board, adopt delegated acts laying down the	

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	technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.	<u>of this legislation</u> , adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers <u>or not-for-profit bodies, organisations or associations</u> can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets , and maintaining the security of their service.	technical conditions under which providers of very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions and relevant objective indicators, as well as procedures under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the providers of very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service. Those delegated acts shall also lay down the conditions for access to the database referred to in Article 23(2a).	
Article 31(6), introductory part-moved to paragraph 2a				
395	6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request,	6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request,	6. Within 15 days following receipt of a request as referred to in [moved to new paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request,	

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	where it considers that it is unable to give access to the data requested because one of following two reasons:	where it considers that it is unable to give access to the data requested because one of following two reasons:	where it considers that it is unable to give access to the data requested because one of following two reasons: 2a]	
Article 31(6), introductory part-moved to paragraph 2a, point (a)				
396	(a) it does not have access to the data;	(a) it does not have access to the data;	(a)	
Article 31(6), introductory part-moved to paragraph 2a, point (b)				
397	(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.	(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.	(b)	
Article 31(7), introductory part- moved to paragraph 2b				
398	7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.	7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.	7. Requests for amendment pursuant to point (b) of. [moved to new paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.2b]	
Article 31(7), introductory part- moved to paragraph 2b, first paragraph				

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399	The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.	The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.	The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.	
Article 31(7a)				
399a		<u><i>7a. Digital Service Coordinators and the Commission shall, once a year, report the following information:</i></u> <u><i>(a) the number of requests made to them as referred to in paragraphs 1, 2 and 6;</i></u> <u><i>(b) the number of such requests that have been declined or withdrawn by the Digital Service Coordinator or the Commission and the reasons for which they have been declined or withdrawn, including following a request to the Digital Service Coordinator or the Commission from a very large online platform to amend a request as referred to in paragraphs 1, 2 and 6.</i></u>		
Article 31(7b)				

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399b		<u>7b. Upon completion of their research, the vetted researchers that have been granted access to data shall publish their findings without disclosing confidential data and in compliance with Regulation (EU) 2016/679.</u>		
Article 32				
400	Article 32 Compliance officers	Article 32 Compliance officers	Article 32 Compliance officersfunction	
Article 32(1)				
401	1. Very large online platforms shall appoint one or more compliance officers responsible for monitoring their compliance with this Regulation.	1. Very large online platforms shall appoint one or more compliance officers responsible for monitoring their compliance with this Regulation.	1. Providers of very large online platforms shall appoint establish a compliance function which is independent from the operational functions and composed of one or more compliance officers, including the head of the compliance function. The responsible for monitoring their compliance function shall have sufficient authority, stature and resources, as well as access to the management body of the provider of the very large online platform to monitor the compliance of that provider with this Regulation.	

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Article 32(2)				
402	2. Very large online platforms shall only designate as compliance officers persons who have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 3. Compliance officers may either be staff members of, or fulfil those tasks on the basis of a contract with, the very large online platform concerned.	2. Very large online platforms shall only designate as compliance officers persons who have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 3 <u>as compliance officers</u> . Compliance officers may either be staff members of, or fulfil those tasks on the basis of a contract with, the very large online platform concerned.	2. Very large online platforms shall only designate as Compliance officers persons who shall have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in paragraph 3. Compliance officers may either be staff members of, or fulfil those tasks on the basis of a contract with, the very large online platform concerned.	
Article 32(2) first paragraph				
402a			The management body of the provider of very large online platform shall appoint a head of the compliance function who is an independent senior manager with distinct responsibility for the compliance function.	
Article 32(2) second paragraph				
402b			The head of the compliance function shall report directly to the management body of the provider of very large online platform, independent from senior management, and can raise	

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			concerns and warn that body where risks referred to in Article 26 or non-compliance with this Regulation affect or may affect the provider of very large online platform concerned, without prejudice to the responsibilities of the management body in its supervisory and managerial functions.	
Article 32(2) third paragraph				
402c			The head of the compliance function shall not be removed without prior approval of the management body of the provider of very large online platform.	
Article 32(3), introductory part				
403	3. Compliance officers shall have the following tasks:	3. Compliance officers shall have the following tasks:	3. Compliance officers shall have the following tasks:	
Article 32(3), point (a)				
404	(a) cooperating with the Digital Services Coordinator of establishment and the Commission for the purpose of this Regulation;	(a) cooperating with the Digital Services Coordinator of establishment, <u>the Board</u> and the Commission for the purpose of this Regulation;	(a) cooperating with the Digital Services Coordinator of establishment and the Commission for the purpose of this Regulation;	

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Article 32(3), point (aa)				
404a			(aa) ensuring that all risks referred to in Article 26 are identified and properly reported on and that reasonable, proportionate and effective risk mitigation measures are taken pursuant to Article 27;	
Article 32(3), point (b)				
405	(b) organising and supervising the very large online platform's activities relating to the independent audit pursuant to Article 28;	(b) organising and supervising the very large online platform's activities relating to the independent audit pursuant to Article 28;	(b) organising and supervising the activities of the provider of the very large online platform's activities relating to the independent audit pursuant to Article 28;	
Article 32(3), point (c)				
406	(c) informing and advising the management and employees of the very large online platform about relevant obligations under this Regulation;	(c) informing and advising the management and employees of the very large online platform about relevant obligations under this Regulation;	(c) informing and advising the management and employees of the provider of the very large online platform about relevant obligations under this Regulation;	
Article 32(3), point (d)				
407	(d) monitoring the very large online platform's compliance with its obligations under this Regulation.	(d) monitoring the very large online platform's compliance with its obligations under this Regulation.	(d) monitoring the compliance of the provider of the very large online platform's compliance with its obligations under this	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			Regulation.;	
Article 32(3), point (e)				
407a			(e) where applicable, monitoring compliance of the provider of the very large online platform with commitments made under the codes of conduct pursuant to Articles 35 and 36 or the crisis protocols pursuant to Article 37.	
Article 32(4)				
408	4. Very large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.	4. Very large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.	4. Very large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.	
Article 32(5)				
409	5. Very large online platforms shall communicate the name and contact details of the compliance officer to the Digital Services Coordinator of establishment and the Commission.	5. Very large online platforms shall communicate the name and contact details of the compliance officer to the Digital Services Coordinator of establishment and the Commission.	5. Providers of very large online platforms shall communicate the name and contact details of the compliance officer officers in the compliance function to the Digital Services Coordinator of establishment and the Commission.	
Article 32(6)				

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410	6. Very large online platforms shall support the compliance officer in the performance of his or her tasks and provide him or her with the resources necessary to adequately carry out those tasks. The compliance officer shall directly report to the highest management level of the platform.	6. Very large online platforms shall support the compliance officer in the performance of his or her tasks and provide him or her with the resources necessary to adequately carry out those tasks. The compliance officer shall directly report to the highest management level of the platform.	6. The management body of the provider of very large online platformsplatform shall support the compliance officer in the performance of his or her tasks and provide him or her with the resources necessary to adequately carry out those tasks. The compliance officer shall directly report to the highest management level of the platformdefine, oversee and be accountable for the implementation of the provider's governance arrangements that ensure independence of the compliance function, including the segregation of duties in the organisation of the provider of very large online platform, the prevention of conflicts of interest, and sound management of systemic risks identified pursuant to Article 26.	
Article 32(7)				
410a			7. The management body shall approve and review periodically, at least once a year, the strategies and policies for taking up, managing, monitoring and mitigating the risks identified pursuant to Article 26 to which the	

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			very large online platform is or may be exposed to.	
Article 32(8)				
410b			8. The management body shall devote sufficient time to the consideration of the measures related to risk management. It shall be actively involved in the decisions related to risk management and ensure that adequate resources are allocated to the management of the risks identified pursuant to Article 26.	
Article 33				
411	Article 33 Transparency reporting obligations for very large online platforms	Article 33 Transparency reporting obligations for very large online platforms	Article 33 Transparency reporting obligations for providers of very large online platforms	
Article 33(1)				
412	1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months.	1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months <u>in a standardised, machine-readable and easily</u>	1. Providers of very large online platforms shall publish the reports referred to in Article 13, including the information referred to in Article 23 , within six months from the date of application referred to in Article 25(4) 25(6) , and thereafter	

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		<u>accessible format.</u>	every six months.	
Article 33(1a)				
412a		<u>1a. Such reports shall include content moderation information separated and presented for each Member State in which the services are offered and for the Union as a whole. The reports shall be published in at least one of the official languages of the Member States of the Union in which services are offered.</u>	1a. The reports pursuant to paragraph 1 of this Article shall also detail the human resources dedicated by the provider of very large online platforms to content moderation, including those dedicated to compliance with obligations pursuant to Articles 14 and 19, and processing complaints pursuant to Article 17 and shall specify the specialist and linguistic expertise of the staff, as well as the training and support given to such staff.	
Article 33(1b)				
412b			1b. In addition to the information referred to in Articles 23(2), the providers of very large online platforms shall include in the reports referred to in that Article also the information on the average monthly recipients of the service for each Member State.	
Article 33(2), introductory part				
413				

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	2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):	2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):	2. In addition to the reports provided for in Article 13 , including the information referred to in Article 23, providers of very large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):	
Article 33(2), point (a)				
414	(a) a report setting out the results of the risk assessment pursuant to Article 26;	(a) a report setting out the results of the risk assessment pursuant to Article 26;	(a) a report setting out the results of the risk assessment pursuant to Article 26;	
Article 33(2), point (b)				
415	(b) the related risk mitigation measures identified and implemented pursuant to Article 27;	(b) the related risk <u>specific</u> mitigation measures identified and implemented pursuant to Article 27;	(b) the related risk mitigation measures identified and implemented pursuant to Article 27;	
Article 33(2), point (c)				
416	(c) the audit report provided for in Article 28(3);	(c) the audit report provided for in Article 28(3);	(c) the audit report provided for in Article 28(3);	
Article 33(2), point (d)				

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417	(d) the audit implementation report provided for in Article 28(4).	(d) the audit implementation report provided for in Article 28(4).	(d) the audit implementation report provided for in Article 28(4).	
Article 33(2), point (da)				
417a		<u>(da) where appropriate, information about the representatives of the recipients of the service, independent experts and civil society organisations, consulted for the risk assessment in accordance with Article 26.</u>		
Article 33(3)				
418	3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. In that case, that platform shall transmit the complete reports to the Digital Services Coordinator of establishment and the Commission, accompanied by a statement of the	3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. In that case, that platform shall transmit the complete reports to the Digital Services Coordinator of establishment and the Commission, accompanied by a statement of the	3. Where a provider of very large online platform platforms considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security of its service, may undermine public security or may harm recipients, the platform provider may remove such information from the reports. In that case, that platform the provider shall transmit the complete reports to the Digital Services Coordinator of establishment and the Commission,	

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	reasons for removing the information from the public reports.	reasons for removing the information from the public reports, <u>in compliance with Regulation (EU) 2016/679</u> .	accompanied by a statement of the reasons for removing the information from the public reports.	
Article 33a				
418a			Article 33a Very large online search engines	
Article 33a(1)				
418b			1. This Section, with the exception of Article 33(1a) and (1b), shall apply to online search engines which reach a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, and which are designated as very large online search engines in accordance with Article 25(4).	
Article 33a(2)				
418c			2. For the purpose of determining the number of average monthly active recipients of the service, Article 23(2), (3) and (3a) shall apply to all online search engines which do not qualify as micro or small enterprises within the	

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			meaning of the Annex to Recommendation 2003/361/EC, with the exception of those which are very large online search engine in accordance with the paragraph 1 of this Article.	
Section 5				
419	Section 5 other provisions concerning due diligence obligations	Section 5 other provisions concerning due diligence obligations	Section 5 other provisions concerning due diligence obligations	
Article 34				
420	Article 34 Standards	Article 34 Standards	Article 34 Standards	
Article 34(1), introductory part				
421	1. The Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies at least for the following:	1. The Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies, <u>in accordance with Regulation (EU) No 1025/2012</u> , at least for the following:	1. The Commission shall consult the Board and shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies at least for the following:	
Article 34(1), point (a)				
422				

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	(a) electronic submission of notices under Article 14;	(a) electronic submission of notices under Article 14;	(a) electronic submission of notices under Article 14;	
Article 34(1), point (aa)				
422a		<u>(aa) terms and conditions under Article 12, including as regards acceptance of and changes to those terms and conditions;</u>		
Article 34(1), point (ab)				
422b		<u>(ab) information on traceability of traders under Article 22;</u>		
Article 34(1), point (ac)				
422c		<u>(ac) advertising practices under Article 24 and recommender systems under Article 24a;</u>		
Article 34(1), point (b)				
423	(b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;	(b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;	(b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;	
Article 34(1), point (c)				
424				

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	(c) specific interfaces, including application programming interfaces, to facilitate compliance with the obligations set out in Articles 30 and 31;	(c) specific interfaces, including application programming interfaces, to facilitate compliance with the obligations set out in Articles 30 and 31;	(c) specific interfaces, including application programming interfaces, to facilitate compliance with the obligations set out in Articles 30 and 31;	
Article 34(1), point (d)				
425	(d) auditing of very large online platforms pursuant to Article 28;	(d) auditing of very large online platforms pursuant to Article 28;	(d) auditing of very large online platforms and very large online search engines set out pursuant to Article 28;	
Article 34(1), point (e)				
426	(e) interoperability of the advertisement repositories referred to in Article 30(2);	(e) interoperability of the advertisement repositories referred to in Article 30(2);	(e) interoperability of the advertisement repositories referred to in Article 30(2);	
Article 34(1), point (f)				
427	(f) transmission of data between advertising intermediaries in support of transparency obligations pursuant to points (b) and (c) of Article 24.	(f) transmission of data between advertising intermediaries in support of transparency obligations pursuant to points (b) and (c) of Article 24.	(f) transmission of data between advertising intermediaries in support of transparency obligations pursuant to points (b) and (c) of Article 24.;	
Article 34(1), point (g)				
427a		<u>(fa) transparency reporting obligations pursuant to Article 13;</u>	(g) prominent marking of advertisements and of commercial communication within content	

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			disseminated through online platforms pursuant to Article 24.	
Article 34(1), point (fb)				
427b		<u>(fb) technical specifications to ensure that intermediary services shall be made accessible for persons with disabilities in accordance with the accessibility requirements of Directive (EU) 2019/882.</u>		
Article 34(1a)				
427c		<u>1a. The Commission shall support and promote the development and implementation of voluntary standards set by the relevant European and international standardisation bodies aimed at the protection of minors.</u>		
Article 34(2)				
428	2. The Commission shall support the update of the standards in the light of technological developments and the behaviour of the recipients of the services in question.	2. The Commission shall support the update of the standards in the light of technological developments and the behaviour of the recipients of the services in question.	2. The Commission shall support the update of the standards in the light of technological developments and the behaviour of the recipients of the services in question. The relevant information regarding the update of the standards shall	

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			be publicly available and easily accessible.	
Article 34(2a)				
428a		<u>2a. The Commission shall be empowered to adopt implementing acts laying down common specifications for the items listed in points (a) to (fb) of paragraph 1 where the Commission has requested one or more European standardisation organisations to draft a harmonised standard and there has not been a publication of the reference to that standard in the Official Journal of the European Union within [24 months after the entry into force of this Regulation] or the request has not been accepted by any of the European standardisation organisations.</u>		
Article 35				
429	Article 35 Codes of conduct	Article 35 Codes of conduct	Article 35 Codes of conduct	
Article 35(1)				
430	1. The Commission and the Board shall encourage and facilitate the	1. The Commission and the Board shall encourage and facilitate the	1. The Commission and the Board shall encourage and facilitate the	

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	drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.	drawing up of <u>voluntary</u> codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on <u>Particular attention shall be given to avoiding negative effects on fair competition, data access and security, the general monitoring prohibition</u> and the protection of <u>privacy and</u> personal data. <u>The Commission and the Board shall also encourage and facilitate regular review and adaption of the Codes of conduct to ensure that they are fit for purpose.</u>	drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.	
Article 35(2)				
431	2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in	2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite <u>request</u> the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as <u>relevant competent authorities</u> , civil society organisations and other	2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms or very large online search engines , the Commission may invite the providers of the very large online platforms or of the very large online search engines concerned, other providers of very large online platforms, other of online platforms and other providers of intermediary	

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	the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.	interested parties <u>relevant stakeholders</u> , to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.	services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes.	
Article 35(3)				
432	3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.	3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their <u>specific</u> objectives, <u>define the nature of the public policy objective pursued and, where appropriate, the role of competent authorities,</u> contain key performance indicators to measure the achievement of those objectives and take due <u>fully into</u> account of the needs and interests of all interested parties, including <u>and in particular</u> citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance	3. When giving effect to paragraphs 1 and 2, the Commission and the Board and where relevant other bodies shall aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain.	

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		indicators that they contain. <u>Key performance indicators and reporting commitments shall take into account differences in size and capacity between different participants.</u>		
Article 35(4)				
433	4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.	4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions <u>and request that the organisations involved amend their codes of conduct accordingly.</u>	4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.	
Article 35(5)				
434	5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.	5. <u>The Commission and</u> the Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain. <u>In case of systematic failure to comply with the Codes of Conduct, the Commission and the Board may take a decision to temporarily suspend or definitively exclude</u>	5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.	

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		<u>platforms that do not meet their commitments as signatories to the codes of conduct.</u>		
Article 36				
435	Article 36 Codes of conduct for online advertising	Article 36 Codes of conduct for online advertising	Article 36 Codes of conduct for online advertising	
Article 36(1)				
436	1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.	1. The Commission shall encourage and facilitate the drawing up of <u>voluntary</u> codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency <u>for all actors in the</u> online advertising <u>eco-system</u> , beyond the requirements of Articles 24 and 30.	1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, providers of online platforms and other relevant service providers, such as providers of online advertising intermediary services, other actors involved in the programmatic advertising value chain , or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.	
Article 36(2), introductory part				
437	2. The Commission shall aim to	2. The Commission shall aim to	2. The Commission shall aim to	

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	ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure that the codes of conduct address at least:	ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of <i>privacy and</i> personal data. The Commission shall aim to ensure that the codes of conduct address at least:	ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure that the codes of conduct address at least:	
Article 36(2), point (a)				
438	(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;	(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;	(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;	
Article 36(2), point (b)				
439	(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.	(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.	(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.	
Article 36(2), point (ba)				
439a				

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		<u><i>(ba) the different types of data that can be used.</i></u>		
Article 36(3)				
440	3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.	3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date. <u><i>The Commission shall evaluate the application of those codes three years after the application of this Regulation.</i></u>	3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.	
Article 36(3a)				
440a		<u><i>3a. The Commission shall encourage all the actors in the online advertising eco-system referred to in paragraph 1 to endorse and comply with the commitments stated in the codes of conduct.</i></u>		
Article 37				
441	Article 37 Crisis protocols	Article 37 Crisis protocols	Article 37 Crisis protocols	
Article 37(1)				

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442	1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.	1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of <u>voluntary</u> crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.	1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.	
Article 37(2), introductory part				
443	2. The Commission shall encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:	2. The Commission shall encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:	2. The Commission shall encourage and facilitate very large online platforms, very large online search engines and, where appropriate, other online platforms, with or online search engines with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:	
Article 37(2), point (a)				
444	(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level;	(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level;	(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level or by other relevant reliable bodies depending on the context of the crisis;	

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Article 37(2), point (b)				
445	(b) ensuring that the point of contact referred to in Article 10 is responsible for crisis management;	(b) ensuring that the point of contact referred to in Article 10 is responsible for crisis management;	(b) ensuring that the provider of intermediary services appoints a specific point of contact responsible for crisis management; where relevant, this may be the electronic point of contact referred to in Article 10 is responsible for crisis management or, in the case of providers of very large online platforms or of very large online search engines, the compliance officer referred to in Article 32;	
Article 37(2), point (c)				
446	(c) where applicable, adapt the resources dedicated to compliance with the obligations set out in Articles 14, 17, 19, 20 and 27 to the needs created by the crisis situation.	(c) where applicable, adapt the resources dedicated to compliance with the obligations set out in Articles 14, 17, 19, 20 and 27 to the needs created by the crisis situation.	(c) where applicable, adapt the resources dedicated to compliance with the obligations set out in Articles 14, 17, 19, 20 and 27 to the needs created by the crisis situation.	
Article 37(3)				
447	3. The Commission may involve, as appropriate, Member States' authorities and Union bodies, offices and agencies in drawing up, testing and supervising the application of	3. The Commission may involve, as appropriate, Member States' authorities and Union bodies, offices and agencies in drawing up, testing and supervising the application of	3. The Commission may shall involve, as appropriate, Member States' authorities and may also involve Union bodies, offices and agencies in drawing up, testing and	

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	the crisis protocols. The Commission may, where necessary and appropriate, also involve civil society organisations or other relevant organisations in drawing up the crisis protocols.	the crisis protocols. The Commission may, where necessary and appropriate, also involve civil society organisations or other relevant organisations in drawing up the crisis protocols.	supervising the application of the crisis protocols. The Commission may, where necessary and appropriate, also involve civil society organisations or other relevant organisations in drawing up the crisis protocols.	
Article 37(4), introductory part				
448	4. The Commission shall aim to ensure that the crisis protocols set out clearly all of the following:	4. The Commission shall aim to ensure that the crisis protocols set out clearly all of the following:	4. The Commission shall aim to ensure that the crisis protocols set out clearly all of the following:	
Article 37(4), point (a)				
449	(a) the specific parameters to determine what constitutes the specific extraordinary circumstance the crisis protocol seeks to address and the objectives it pursues;	(a) the specific parameters to determine what constitutes the specific extraordinary circumstance the crisis protocol seeks to address and the objectives it pursues;	(a) the specific parameters to determine what constitutes the specific extraordinary circumstance the crisis protocol seeks to address and the objectives it pursues;	
Article 37(4), point (b)				
450	(b) the role of each participant and the measures they are to put in place in preparation and once the crisis protocol has been activated;	(b) the role of each participant and the measures they are to put in place in preparation and once the crisis protocol has been activated;	(b) the role of each participant and the measures they are to put in place in preparation and once the crisis protocol has been activated;	
Article 37(4), point (c)				
451				

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	(c) a clear procedure for determining when the crisis protocol is to be activated;	(c) a clear procedure for determining when the crisis protocol is to be activated;	(c) a clear procedure for determining when the crisis protocol is to be activated;	
Article 37(4), point (d)				
452	(d) a clear procedure for determining the period during which the measures to be taken once the crisis protocol has been activated are to be taken, which is strictly limited to what is necessary for addressing the specific extraordinary circumstances concerned;	(d) a clear procedure for determining the period during which the measures to be taken once the crisis protocol has been activated are to be taken, which is strictly limited to what is necessary for addressing the specific extraordinary circumstances concerned;	(d) a clear procedure for determining the period during which the measures to be taken once the crisis protocol has been activated are to be taken, which is strictly limited to what is necessary for addressing the specific extraordinary circumstances concerned;	
Article 37(4), point (e)				
453	(e) safeguards to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;	(e) safeguards to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;	(e) safeguards to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;	
Article 37(4), point (f)				
454	(f) a process to publicly report on any measures taken, their duration and their outcomes, upon the termination of the crisis situation.	(f) a process to publicly report on any measures taken, their duration and their outcomes, upon the termination of the crisis situation.	(f) a process to publicly report on any measures taken, their duration and their outcomes, upon the termination of the crisis situation.	
Article 37(4), point (fa)				

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454a		<u>(fa) measures to ensure accessibility for persons with disabilities during implementation of crisis protocols, including by providing accessible description about these protocols.</u>		
Article 37(5)				
455	5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it may request the participants to revise the crisis protocol, including by taking additional measures.	5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it may shall request the participants to revise the crisis protocol, including by taking additional measures.	5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it may request the participants to revise the crisis protocol, including by taking additional measures.	
Chapter IV				
456	Chapter IV Implementation, cooperation, sanctions and enforcement	Chapter IV Implementation, cooperation, sanctions and enforcement	Chapter IV Implementation, cooperation, sanctions and enforcement	
Section 1				
457	Section 1 Competent authorities and National Digital Services Coordinators	Section 1 Competent authorities and National Digital Services Coordinators	Section 1 Competent authorities and National Digital Services Coordinators	

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Article 38				
458	Article 38 Competent authorities and Digital Services Coordinators	Article 38 Competent authorities and Digital Services Coordinators	Article 38 Competent authorities and Digital Services Coordinators	
Article 38(1)				
459	1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities').	1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities').	1. Member States shall designate one or more competent authorities as responsible for the applications supervision and enforcement of this Regulation ('competent authorities').	
Article 38(2), introductory part				
460	2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for	2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for	2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to applications supervision and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for	

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	contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.	contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.	contributing to the effective and consistent applications supervision and enforcement of this Regulation throughout the Union.	
Article 38(2), first paragraph				
461	For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the Board and the Commission, without prejudice to the possibility for Member States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator.	For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the Board and the Commission, without prejudice to the possibility for Member States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator.	For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the Board and the Commission, without prejudice to the possibility for Member States to provide for cooperation mechanisms and regular exchanges of views of the Digital Services Coordinator with other national authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator their respective tasks .	
Article 38(2), second paragraph				
462	Where a Member State designates more than one competent authority in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined and that they cooperate closely and	Where a Member State designates more than one competent authority in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined and that they cooperate closely and	Where a Member State designates more than one one or more competent authority authorities in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined and	

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	effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the Commission and the Board.	effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the Commission and the Board.	that they cooperate closely and effectively when performing their tasks. The Member State concerned shall communicate the name of the other competent authorities as well as their respective tasks to the Commission and the Board.	
Article 38(3), introductory part				
463	3. Member States shall designate the Digital Services Coordinators within two months from the date of entry into force of this Regulation.	3. Member States shall designate the Digital Services Coordinators within two months from the date of entry into force of this Regulation.	3. Member States shall designate the Digital Services Coordinators within two fifteen months from the date of entry into force of this Regulation.	
Article 38(3), first paragraph				
464	Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.	Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.	Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.	
Article 38(4)				
465	4. The requirements applicable to Digital Services Coordinators set out in Articles 39, 40 and 41 shall also apply to any other competent	4. The requirements applicable to Digital Services Coordinators set out in Articles 39, 40 and 41 shall also apply to any other competent	4. The requirements provisions applicable to Digital Services Coordinators set out in Articles 39, 40 44a and 41 shall also apply to any	

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	authorities that the Member States designate pursuant to paragraph 1.	authorities that the Member States designate pursuant to paragraph 1.	other competent authorities that the Member States designate pursuant to paragraph 1 of this Article.	
Article 38(4a)				
465a		<u>4a. Member States shall ensure that the competent authorities, referred to in paragraph 1 and in particular their Digital Services Coordinators, have adequate technical financial and human resources to carry out their tasks under this Regulation</u>		
Article 39				
466	Article 39 Requirements for Digital Services Coordinators	Article 39 Requirements for Digital Services Coordinators	Article 39 Requirements for Digital Services Coordinators	
Article 39(1)				
467	1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out their	1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out	1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate all necessary means to carry out their tasks, including	

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	tasks.	their tasks.	sufficient technical, financial and human resources to carry out adequately supervise all providers of intermediary services under their tasks competence. Each Member State shall ensure that its Digital Services Coordinator has sufficient autonomy in managing its budget within the budget's overall limits, in order not to affect the independence of the Digital Services Coordinator.	
Article 39(2)				
468	2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Digital Services Coordinators shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any other public authority or any private party.	2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Digital Services Coordinators shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any other public authority or any private party.	2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Digital Services Coordinators shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any other public authority or any private party.	
Article 39(3)				
469	3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and	3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and	3. Paragraph 2 of this Article is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this	

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	the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national constitutional law.	the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national constitutional law.	Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 of this Article shall not prevent supervision the exercise of judicial review and shall also be without prejudice to proportionate accountability requirements regarding the general activities of the authorities concerned in accordance with Digital Services Coordinators, such as financial expenditure or reporting to national constitutional lawparliaments. The exercise of the judicial review and proportionate accountability requirements shall not undermine the achievement of the objectives of this Regulation.	
Article 40				
470	Article 40 Jurisdiction	Article 40 Jurisdiction	Article 40 Jurisdiction [amended and moved to Article 44a]	
Article 40(1)				
471	1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the	1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the	1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the	

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	purposes of Chapters III and IV of this Regulation.	purposes of Chapters III and IV <u>of the supervision and enforcement by the national competent authorities, in accordance with this Chapter, of the obligations imposed on intermediaries under</u> this Regulation.	purposes of Chapters III and IV of this Regulation.	
Article 40(2)				
472	2. A provider of intermediary services which does not have an establishment in the Union but which offers services in the Union shall, for the purposes of Chapters III and IV, be deemed to be under the jurisdiction of the Member State where its legal representative resides or is established.	2. A provider of intermediary services which does not have an establishment in the Union but which offers services in the Union shall, for the purposes of Chapters III and IV <u>this Article</u> , be deemed to be under the jurisdiction of the Member State where its legal representative resides or is established.	2. A provider of intermediary services which does not have an establishment in the Union but which offers services in the Union shall, for the purposes of Chapters III and IV, be deemed to be under the jurisdiction of the Member State where its legal representative resides or is established.	
Article 40(3)				
473	3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States and ensure that the principle of ne	3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV <u>this Article</u> . Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States and ensure that the	3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States and ensure that the principle of ne	

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	bis in idem is respected.	principle of ne bis in idem is respected.	bis in idem is respected.	
Article 40(4)				
474	4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.	4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.	4. Paragraphs 1, 2 and 3 are without prejudice to the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.	
Article 41				
475	Article 41 Powers of Digital Services Coordinators	Article 41 Powers of Digital Services Coordinators	Article 41 Powers of Digital Services Coordinators	
Article 41(1), introductory part				
476	1. Where needed for carrying out their tasks, Digital Services Coordinators shall have at least the following powers of investigation, in respect of conduct by providers of intermediary services under the jurisdiction of their Member State:	1. Where needed for carrying out their tasks, Digital Services Coordinators shall have at least the following powers of investigation, in respect of conduct by providers of intermediary services under the jurisdiction of their Member State:	1. Where needed for carrying out their tasks under this Regulation , Digital Services Coordinators shall have at least the following powers of investigation, in respect of conduct by providers of intermediary services under the jurisdiction competence of their Member State:	
Article 41(1), point (a)				

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477	(a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period;	(a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period <u>without undue delay, or at the latest within three months;</u>	(a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3) 59a(2) , to provide such information within a reasonable time period;	
Article 41(1), point (b)				
478	(b) the power to carry out on-site inspections of any premises that those providers or those persons use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement in any form, irrespective of the storage medium;	(b) the power to carry out on-site inspections of any premises that those providers or those persons use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement in any form, irrespective of the storage medium;	(b) the power to carry out, or request a judicial authority in their Member State to order, on-site inspections of any premises that those providers or those persons use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement in any form, irrespective of the storage medium;	
Article 41(1), point (c)				

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479	(c) the power to ask any member of staff or representative of those providers or those persons to give explanations in respect of any information relating to a suspected infringement and to record the answers.	(c) the power to ask any member of staff or representative of those providers or those persons to give explanations in respect of any information relating to a suspected infringement and to record the answers.	(c) the power to ask any member of staff or representative of those providers or those persons to give explanations in respect of any information relating to a suspected infringement and to record the answers with their consent.	
Article 41(2), introductory part				
480	2. Where needed for carrying out their tasks, Digital Services Coordinators shall have at least the following enforcement powers, in respect of providers of intermediary services under the jurisdiction of their Member State:	2. Where needed for carrying out their tasks, Digital Services Coordinators shall have at least the following enforcement powers, in respect of providers of intermediary services under the jurisdiction of their Member State:	2. Where needed for carrying out their tasks under this Regulation , Digital Services Coordinators shall have at least the following enforcement powers, in respect of providers of intermediary services under the jurisdiction competence of their Member State:	
Article 41(2), point (a)				
481	(a) the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding;	(a) the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding;	(a) the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding;	
Article 41(2), point (b)				
482	(b) the power to order the cessation of infringements and, where	(b) the power to order the cessation of infringements and, where	(b) the power to order the cessation of infringements and, where	

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	appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;	appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;	appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end, or request a judicial authority in their Member State to do so;	
Article 41(2), point (c)				
483	(c) the power to impose fines in accordance with Article 42 for failure to comply with this Regulation, including with any of the orders issued pursuant to paragraph 1;	(c) the power to impose fines in accordance with Article 42 for failure to comply with this Regulation, including with any of the orders issued pursuant to paragraph 1;	(c) the power to impose fines, or request a judicial authority in their Member State to do so, in accordance with Article 42 for failure to comply with this Regulation, including with any of the investigative orders issued pursuant to paragraph 1 of this Article;	
Article 41(2), point (d)				
484	(d) the power to impose a periodic penalty payment in accordance with Article 42 to ensure that an infringement is terminated in compliance with an order issued pursuant to point (b) of this paragraph or for failure to comply with any of the orders issued pursuant to paragraph 1;	(d) the power to impose a periodic penalty payment in accordance with Article 42 to ensure that an infringement is terminated in compliance with an order issued pursuant to point (b) of this paragraph or for failure to comply with any of the orders issued pursuant to paragraph 1;	(d) the power to impose a periodic penalty payment, or request a judicial authority in their Member State to do so, in accordance with Article 42 to ensure that an infringement is terminated in compliance with an order issued pursuant to point (b) of this paragraph paragraph subparagraph or for failure to comply with any of the investigative orders issued pursuant to paragraph 1 of this Article;	

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Article 41(2), point (e)				
485	(e) the power to adopt interim measures to avoid the risk of serious harm.	(e) the power to adopt <u>proportionate</u> interim measures <u>or to request the relevant judicial authority to do so,</u> to avoid the risk of serious harm.	(e) the power to adopt interim measures to avoid the risk of serious harm.	
Article 41(2), first paragraph				
486	As regards points (c) and (d) of the first subparagraph, Digital Services Coordinators shall also have the enforcement powers set out in those points in respect of the other persons referred to in paragraph 1 for failure to comply with any of the orders issued to them pursuant to that paragraph. They shall only exercise those enforcement powers after having provided those others persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.	As regards points (c) and (d) of the first subparagraph, Digital Services Coordinators shall also have the enforcement powers set out in those points in respect of the other persons referred to in paragraph 1 for failure to comply with any of the orders issued to them pursuant to that paragraph. They shall only exercise those enforcement powers after having provided those others <u>other</u> persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.	As regards points (c) and (d) of the first subparagraph, Digital Services Coordinators shall also have the enforcement powers set out in those points in respect of the other persons referred to in paragraph 1 for failure to comply with any of the orders issued to them pursuant to that paragraph. They shall only exercise those enforcement powers after having provided those others persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.	
Article 41(3), introductory part				
487				

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	3. Where needed for carrying out their tasks, Digital Services Coordinators shall also have, in respect of providers of intermediary services under the jurisdiction of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:	3. Where needed for carrying out their tasks, Digital Services Coordinators shall also have, in respect of providers of intermediary services under the jurisdiction of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists <u>or is continuously repeated</u> and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:	3. Where needed for carrying out their tasks under this Regulation , Digital Services Coordinators shall also have, in respect of providers of intermediary services under the jurisdiction competence of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:	
Article 41(3), point (a)				
488	(a) require the management body of the providers, within a reasonable time period, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;	(a) require the management body of the providers, within a reasonable time period, – which shall in any case not exceed three months, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;	(a) require the management body of the those providers, within a reasonable time period,– to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;	
Article 41(3), point (b)				
489	(b) where the Digital Services	(b) where the Digital Services	(b) where the Digital Services	

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	Coordinator considers that the provider has not sufficiently complied with the requirements of the first indent, that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.	Coordinator considers that the provider has not sufficiently complied with the requirements of the first indent, that the infringement persists <u>or is continuously repeated</u> and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.	Coordinator considers that the provider of intermediary services has not sufficiently complied with the requirements of the first indent referred to in point (a) , that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that its Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.	
Article 41(3), first paragraph				
490	The Digital Services Coordinator shall, except where it acts upon the Commission's request referred to in Article 65, prior to submitting the request referred to in point (b) of the first subparagraph, invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures that it intends to request and identifying the	The Digital Services Coordinator shall, except where it acts upon the Commission's request referred to in Article 65, prior to submitting the request referred to in point (b) of the first subparagraph, invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures that it intends to request and identifying the	The Digital Services Coordinator shall, except where it acts upon the Commission's request referred to in Article 65, prior to submitting the request referred to in point (b) of the first subparagraph, invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures that it intends to request and identifying the	

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	intended addressee or addressees thereof. The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings before the competent judicial authority. Any measure ordered shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by recipients of the service concerned.	intended addressee or addressees thereof. The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings before the competent judicial authority. Any measure ordered shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by recipients of the service concerned.	intended addressee or addressees thereof. The provider of intermediary services , the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings before the competent judicial authority. Any measure ordered shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by recipients of the service concerned.	
Article 41(3), second paragraph, introductory part				
491	The restriction shall be for a period of four weeks, subject to the possibility for the competent judicial authority, in its order, to allow the Digital Services Coordinator to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by that judicial authority. The Digital Services Coordinator shall only extend the period where it considers, having regard to the rights and interests of all parties affected by the restriction and all relevant circumstances, including any information that the provider, the	The restriction shall be for a period of four weeks, subject to the possibility for the competent judicial authority, in its order, to allow the Digital Services Coordinator to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by that judicial authority. The Digital Services Coordinator shall only extend the period where it considers, having regard to the rights and interests of all parties affected by the restriction and all relevant circumstances, including any information that the provider, the	The restriction of access shall be for a period of four weeks, subject to the possibility for the competent judicial authority, in its order, to allow the Digital Services Coordinator to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by that judicial authority. The Digital Services Coordinator shall only extend the period where it considers, having regard to the rights and interests of all parties affected by the that restriction and all relevant circumstances, including any information that the provider of	

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	addressee or addressees and any other third party that demonstrated a legitimate interest may provide to it, that both of the following conditions have been met:	addressee or addressees and any other third party that demonstrated a legitimate interest may provide to it, that both of the following conditions have been met:	intermediary services , the addressee or addressees and any other third party that demonstrated a legitimate interest may provide to it, that both of the following conditions have been met:	
Article 41(3), second paragraph, point (a)				
492	(a) the provider has failed to take the necessary measures to terminate the infringement;	(a) the provider has failed to take the necessary measures to terminate the infringement;	(a) the provider of intermediary services has failed to take the necessary measures to terminate the infringement;	
Article 41(3), second paragraph, point (b)				
493	(b) the temporary restriction does not unduly restrict access to lawful information by recipients of the service, having regard to the number of recipients affected and whether any adequate and readily accessible alternatives exist.	(b) the temporary restriction does not unduly restrict access to lawful information by recipients of the service, having regard to the number of recipients affected and whether any adequate and readily accessible alternatives exist.	(b) the temporary restriction does not unduly restrict access to lawful information by recipients of the service, having regard to the number of recipients affected and whether any adequate and readily accessible alternatives exist.	
Article 41(3), third paragraph				
494	Where the Digital Services Coordinator considers that those two conditions have been met but it cannot further extend the period pursuant to the third subparagraph, it shall submit a new request to the	Where the Digital Services Coordinator considers that those two conditions have been met but it cannot further extend the period pursuant to the third subparagraph, it shall submit a new request to the	Where the Digital Services Coordinator considers that those two conditions the conditions set out in points (a) and (b) of the third subparagraph have been met but it cannot further extend the period	

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	competent judicial authority, as referred to in point (b) of the first subparagraph.	competent judicial authority, as referred to in point (b) of the first subparagraph.	pursuant to the third subparagraph, it shall submit a new request to the competent judicial authority, as referred to in point (b) of the first subparagraph.	
Article 41(4)				
495	4. The powers listed in paragraphs 1, 2 and 3 are without prejudice to Section 3.	4. The powers listed in paragraphs 1, 2 and 3 are without prejudice to Section 3.	4. The powers listed in paragraphs 1, 2 and 3 are without prejudice to Section 3.	
Article 41(5)				
496	5. The measures taken by the Digital Services Coordinators in the exercise of their powers listed in paragraphs 1, 2 and 3 shall be effective, dissuasive and proportionate, having regard, in particular, to the nature, gravity, recurrence and duration of the infringement or suspected infringement to which those measures relate, as well as the economic, technical and operational capacity of the provider of the intermediary services concerned where relevant.	5. The measures taken by the Digital Services Coordinators in the exercise of their powers listed in paragraphs 1, 2 and 3 shall be effective, dissuasive and proportionate, having regard, in particular, to the nature, gravity, recurrence and duration of the infringement or suspected infringement to which those measures relate, as well as the economic, technical and operational capacity of the provider of the intermediary services concerned where relevant.	5. The measures taken by the Digital Services Coordinators in the exercise of their powers listed in paragraphs 1, 2 and 3 shall be effective, dissuasive and proportionate, having regard, in particular, to the nature, gravity, recurrence and duration of the infringement or suspected infringement to which those measures relate, as well as the economic, technical and operational capacity of the provider of the intermediary services concerned where relevant.	
Article 41(6)				
497				

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	6. Member States shall ensure that any exercise of the powers pursuant to paragraphs 1, 2 and 3 is subject to adequate safeguards laid down in the applicable national law in conformity with the Charter and with the general principles of Union law. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all affected parties.	6. Member States shall ensure that any exercise of the powers pursuant to paragraphs 1, 2 and 3 is subject to adequate safeguards laid down in the applicable national law in conformity with the Charter and with the general principles of Union law. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all affected parties.	6. Member States shall ensure that lay down specific conditions and procedures for the exercise of the powers pursuant to paragraphs 1, 2 and 3 and shall ensure that any exercise of those powers is subject to adequate safeguards laid down in the applicable national law in conformity compliance with the Charter and with the general principles of Union law. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all affected parties.	
Article 41(6a)				
497a		<u>6a. The Commission shall publish guidelines by [six months after the entry into force of this Regulation] on the powers of and procedures applicable to the Digital Services Coordinators.</u>		
Article 42				
498	Article 42 Penalties	Article 42 Penalties	Article 42 Penalties	

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Article 42(1)				
499	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation by providers of intermediary services under their jurisdiction and shall take all the necessary measures to ensure that they are implemented in accordance with Article 41.	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation by providers of intermediary services under their jurisdiction and shall take all the necessary measures to ensure that they are implemented in accordance with Article 41.	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation by providers of intermediary services under their jurisdiction competence and shall take all the necessary measures to ensure that they are implemented in accordance with Article 41.	
Article 42(2)				
500	2. Penalties shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.	2. Penalties shall be effective, proportionate and dissuasive. Member States shall notify the Commission <u>and the Board</u> of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.	2. Penalties shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.	
Article 42(3)				
501	3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed 6 % of the annual income or turnover of the	3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed 6 % of the annual income or <u>worldwide</u>	3. Member States shall ensure that the maximum amount of penalties fines that may be imposed for a failure to comply with the obligations an obligation laid down in this Regulation shall not exceed be	

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	provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the annual income or turnover of the provider concerned.	turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the annual income <u>or worldwide</u> turnover of the provider concerned.	6 % of the annual income or turnover of the provider of intermediary services concerned in the preceding financial year. Member States shall ensure that the maximum amount of fines that may be imposed. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and failure to submit to an on-site inspection shall not exceed 1% be 1 % of the annual income or turnover of the provider or person concerned in the preceding financial year.	
Article 42(4)				
502	4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.	4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily <u>worldwide</u> turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.	4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed be 5 % of the average daily turnover or income of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.	
Article 42(4a)				
502a		<u>4a. Member States shall ensure that administrative or judicial</u>		

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		<u>authorities issuing orders pursuant to Article 8 and 9 shall only issue penalties or fines in line with this Article.</u>		
Article 43				
503	Article 43 Right to lodge a complaint	Article 43 Right to lodge a complaint	Article 43 Right to lodge a complaint	
Article 43, first paragraph				
504	Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority.	<u>1.</u> Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. <u>During these proceedings, both parties shall have the right to be heard and receive appropriate information about the status of the proceedings.</u> The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment <u>without undue delay</u> . Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator	Both recipients of the service and their representative organisations as referred to in Article 68 shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is located is located or established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment, accompanied, where considered appropriate, by an opinion. Where the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint	

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		receiving the complaint shall transmit it to that authority, <u>without undue delay</u> .	shall transmit it to that authority.	
Article 43(1a)				
504a		<u>1a. Upon receipt of the complaint, transmitted pursuant to paragraph 1, the Digital Services Coordinator of establishment shall assess the matter in a timely manner and shall inform within six months the Digital Services Coordinator of the Member State where the recipient resides or is established if it intends to proceed with an investigation. If it opens an investigation, it shall provide an update at least every three months. The Digital Services Coordinator of the Member State where the recipient resides or is established shall consequently inform the recipient.</u>		
Article 43a				
504b		<u>Article 43a Compensation</u>		
Article 43a(1)				
504c		<u>Without prejudice to Article 5,</u>		

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		<u><i>recipients of the service shall have the right to seek, in accordance with relevant Union and national law compensation from providers of intermediary services, against any direct damage or loss suffered due to an infringement by providers of intermediary services of obligations established under this Regulation.</i></u>		
Article 44				
505	Article 44 Activity reports	Article 44 Activity reports	Article 44 Activity reports	
Article 44(1)				
506	1. Digital Services Coordinators shall draw up an annual report on their activities under this Regulation. They shall make the annual reports available to the public, and shall communicate them to the Commission and to the Board.	1. Digital Services Coordinators shall draw up an annual report on their activities under this Regulation. They shall make the annual reports <u><i>in a standardised and machine-readable format</i></u> available to the public, and shall communicate them to the Commission and to the Board.	1. Digital Services Coordinators shall draw up an annual report on their activities under this Regulation, including the number of complaints received pursuant to Article 43 and an overview of their follow-up. Those reports shall include information provided by national competent authorities, where applicable. The Digital Services Coordinators. They shall make the annual reports available to the public, without prejudice to the applicable rules on the confidentiality of information, and shall communicate them to the	

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			Commission and to the Board.	
Article 44(2), introductory part				
507	2. The annual report shall include at least the following information:	2. The annual report shall include at least the following information:	2. The annual report shall include at least also include the following information:	
Article 44(2), point (a)				
508	(a) the number and subject matter of orders to act against illegal content and orders to provide information issued in accordance with Articles 8 and 9 by any national judicial or administrative authority of the Member State of the Digital Services Coordinator concerned;	(a) the number and subject matter of orders to act against illegal content and orders to provide information issued in accordance with Articles 8 and 9 by any national judicial or administrative authority of the Member State of the Digital Services Coordinator concerned, <u>including information on the name of the issuing authority, the name of the provider and the type of action specified in the order, as well as a justification that the order complies with Article 3 of Directive 2000/31/EC</u> ;	(a) the number and subject matter of orders to act against illegal content and orders to provide information issued in accordance with Articles 8 and 9 by any national judicial or administrative authority of the Member State of the Digital Services Coordinator concerned;	
Article 44(2), point (b)				
509	(b) the effects given to those orders, as communicated to the Digital Services Coordinator pursuant to Articles 8 and 9.	(b) the effects given to those orders, as communicated to the Digital Services Coordinator pursuant to Articles 8 and 9, <u>the number of</u>	(b) the effects given to those orders, as communicated to the Digital Services Coordinator pursuant to Articles 8 and 9.	

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		<u>appeals made against those orders, as well as the outcome of the appeals.</u>		
Article 44(2a)				
509a		<u>2a. The Commission shall make publicly available a biennial report analysing the annual reports, communicated pursuant to paragraph 1 and shall submit it to the European Parliament and to the Council.</u>		
Article 44(3)				
510	3. Where a Member State has designated several competent authorities pursuant to Article 38, it shall ensure that the Digital Services Coordinator draws up a single report covering the activities of all competent authorities and that the Digital Services Coordinator receives all relevant information and support needed to that effect from the other competent authorities concerned.	3. Where a Member State has designated several competent authorities pursuant to Article 38, it shall ensure that the Digital Services Coordinator draws up a single report covering the activities of all competent authorities and that the Digital Services Coordinator receives all relevant information and support needed to that effect from the other competent authorities concerned.	3. Where a Member State has designated several competent authorities pursuant to Article 38, it shall ensure that the Digital Services Coordinator draws up a single report covering the activities of all competent authorities and that the Digital Services Coordinator receives all relevant information and support needed to that effect from the other competent authorities concerned.	
Section 1a				
510a			Section 1a Competences,	

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			coordinated investigation and consistency mechanisms	
Article 44a				
510b			Article 44a Competences [previously Article 40]	
Article 44a(1)				
510c			1. The Member State in which the main establishment of the provider of intermediary services is located shall have exclusive powers for the supervision and enforcement by the Digital Services Coordinators of the obligations laid down by this Regulation applicable on intermediary services, except the supervision and enforcement in cases provided for in paragraphs 1a, 1b and 1c.	
Article 44a(1a)				
510d			1a. The Commission shall have exclusive powers for the supervision and enforcement of the obligations applicable to very large online platforms or very	

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			large online search engines, referred to in Section 4 of Chapter III of this Regulation.	
Article 44a(1b), introductory part				
510e			1b. The Commission shall have the powers for the supervision and enforcement of the obligations laid down by this Regulation applicable to very large online platforms or very large online search engines, other than those referred to in Section 4 of Chapter III.	
Article 44a(1c), introductory part				
510f			1c. To the extent that the Commission has not initiated a proceeding in relation to an alleged infringement of the same obligation, the Member States of establishment where the provider of very large online platform or of very large online search engine is established shall have the powers for the supervision and enforcement of the obligations laid down by this Regulation applicable to very large online platforms or very large online search engines, other than those	

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			referred to in Chapter III Section 4.	
Article 44a(1c), first paragraph				
510g			Member States and the Commission shall supervise and enforce the obligations laid down in this Regulation in close cooperation.	
Article 44a(2)				
510h			2. A provider of intermediary services which does not have an establishment in the Union but which offers services in the Union shall, in accordance with paragraphs 1, and 1c of this Article, be deemed to be under the competence of the Member State where its legal representative resides or is established.	
Article 44a(2),				
510i			3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States and, where applicable, the Commission shall	

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			<p>have powers pursuant to this Article. Where a Digital Services Coordinator decides to exercise competence under this paragraph, it shall notify all other Digital Services Coordinators and the Commission and ensure that the applicable safeguards afforded by the Charter are respected, in particular to avoid that the same conduct is sanctioned more than once for the infringement of the obligations laid down in this Regulation. Following the notification pursuant to this paragraph, the competent authorities of other Member States shall not initiate proceedings for the same conduct as that referred to in the notification.</p>	
Article 44b				
510j			<p>Article 44b Mutual assistance</p>	
Article 44b(1)				
510k			<p>1. Digital Services Coordinators and the Commission shall cooperate closely and provide each other mutual assistance in order to</p>	

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			<p>apply this Regulation in a consistent and efficient manner. Mutual assistance shall include, in particular, exchange of information in accordance with this Article and the duty of the Digital Services Coordinator of establishment to inform all Digital Services Coordinators of destination, the Board and the Commission about the opening of an investigation and the intention to take a final decision, including its assessment, in respect of a specific provider of intermediary services.</p>	
Article 44b(2)				
5101			<p>2. For the purpose of an investigation, the Digital Services Coordinator of establishment may request other Digital Services Coordinators to provide specific information in their possession as regards a specific provider of intermediary services or to exercise their investigative powers referred to in Article 41(1) with regards to specific information located in their Member State. Where appropriate, the Digital Services Coordinator receiving the request may involve other</p>	

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			competent national authorities. The Digital Services Coordinator receiving such request shall reply without undue delay and no later than two months after receiving the request.	
Article 44b(4), introductory part				
510m			4. The Digital Services Coordinator receiving the request pursuant to paragraph 2 shall comply with such request unless:	
Article 44b(4), point (a)				
510n			(a) the scope of the subject matter of the request is not sufficiently specified, justified or proportionate in view of the investigative purposes; or	
Article 44b(4), point (b)				
510o			(b) neither the requested Digital Service Coordinator nor other national competent authority in that Member State is in possession of the requested information nor has the competence to request it; or	

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Article 44b(4), point (c), introductory part				
510p			(c) compliance with the request would infringe Union or national law to which the competent authority receiving the request is subject to.	
Article 44b(4), first paragraph				
510q			In cases of refusal, the Digital Services Coordinator receiving the request shall provide a reasoned justification to the requesting Digital Services Coordinator.	
Article 45				
511	Article 45 Cross-border cooperation among Digital Services Coordinators	Article 45 Cross-border cooperation among Digital Services Coordinators	Article 45 Cross-border cooperation among Digital Services Coordinators	
Article 45(1), introductory part				
512	1. Where a Digital Services Coordinator has reasons to suspect that a provider of an intermediary service, not under the jurisdiction of the Member State concerned, infringed this Regulation, it shall request the Digital Services Coordinator of establishment to	1. Where a Digital Services Coordinator has reasons to suspect that a provider of an intermediary service, not under the jurisdiction of the Member State concerned, infringed this Regulation, it shall request the Digital Services Coordinator of establishment to	1. Unless the Commission has initiated an investigation for the same alleged infringement, where a Digital Services Coordinator of destination has reasons to suspect that a provider of an intermediary service, not under the jurisdiction infringed this Regulation	

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	assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.	assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.	negatively affecting the collective interests of the recipients of the Member State concerned, infringed this Regulation, it shall service or having a negative societal impact in its Member State, it may request to the Digital Services Coordinator of establishment to assess the matter and to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.	
Article 45(1), first paragraph				
513	Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it may recommend the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.	Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it may recommend request the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.	1a. Where the Board has reasons to suspect that a provider of intermediary Unless the Commission has initiated an investigation for the same alleged infringement, the Board, upon a request of at least three Digital Services infringed this Regulation in a manner involving at least three Coordinators of destination pursuant to Article 48(3) alleging a reasonable suspicion of an infringement by a specific provider of intermediary services affecting recipients of the service in their Member States, it may recommend the Digital Services Coordinator of establishment to assess the matter and take the	

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			necessary investigatory and enforcement measures to ensure compliance with this Regulation.	
Article 45(2), introductory part				
514	2. A request or recommendation pursuant to paragraph 1 shall at least indicate:	2. A request or recommendation pursuant to paragraph 1 shall at least indicate:	2. A request or recommendation pursuant to paragraph 1 paragraphs 1 or 1a shall be duly reasoned and at least indicate:	
Article 45(2), point (a)				
515	(a) the point of contact of the provider of the intermediary services concerned as provided for in Article 10;	(a) the point of contact of the provider of the intermediary services concerned as provided for in Article 10;	(a) the electronic point of contact of the provider of the intermediary services concerned as provided for in Article 10;	
Article 45(2), point (b)				
516	(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Digital Services Coordinator that sent the request, or the Board, suspects that the provider infringed this Regulation;	(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Digital Services Coordinator that sent the request, or the Board, suspects that the provider infringed this Regulation;	(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Digital Services Coordinator that sent the request, or the Board, suspects that the provider infringed this Regulation, including the description of the negative effects of the alleged infringement in accordance with paragraph 1;	
Article 45(2), point (c)				

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517	(c) any other information that the Digital Services Coordinator that sent the request, or the Board, considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.	(c) any other information that the Digital Services Coordinator that sent the request, or the Board, considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.	(c) any other information that the Digital Services Coordinator that sent the request, or the Board, considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.	
Article 45(2a)				
517a		<u>2a. A request pursuant to paragraph 1 shall be at the same time communicated to the Commission. Where the Commission believes that the request is not justified or where the Commission is currently taking action on the same matter, the Commission can ask for the request to be withdrawn.</u>		
Article 45(3)				
518	3. The Digital Services Coordinator of establishment shall take into utmost account the request or recommendation pursuant to paragraph 1. Where it considers that it has insufficient information to act upon the request or recommendation	3. The Digital Services Coordinator of establishment shall take into utmost account the request or recommendation pursuant to paragraph 1. Where it considers that it has insufficient information to act upon the request or recommendation	3. The Digital Services Coordinator of establishment shall take into utmost account the request or recommendation pursuant to paragraph 1 of this Article . Where it considers that it has insufficient information to act upon the request	

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	and has reasons to consider that the Digital Services Coordinator that sent the request, or the Board, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.	and has reasons to consider that the Digital Services Coordinator that sent the request, or the Board, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.	or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, or the Board, could provide additional information, it may either request such information in accordance with Article 44b or, alternatively, may launch a joint investigation pursuant to Article 46(1) involving at least the requesting Digital Services Coordinator. The time period laid down in paragraph 4 of this Article shall be suspended until that additional information is provided or the invitation to participate in the joint investigation is refused.	
Article 45(4)				
519	4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures taken or	4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation , communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures taken or	4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months month following receipt of the request or recommendation pursuant to paragraphs 1 and 1a , communicate to the Digital Services Coordinator that sent the request, or and the Board, its the assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any	

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	envisaged in relation thereto to ensure compliance with this Regulation.	envisaged in relation thereto to ensure compliance with this Regulation.	investigatory or enforcement measures taken or envisaged in relation thereto to ensure compliance with this Regulation.	
Article 45(5)				
520	5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.	5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.	Moved to row 522b	
Article 45(6)				
521	6. The Commission shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services	6. The Commission shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services	Moved to row 522c	

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	Coordinator of establishment and, unless it referred the matter itself, the Board.	Coordinator of establishment and, unless it referred the matter itself, the Board.		
Article 45(7)				
522	7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.	7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request. <u>This information shall be also transmitted to the Digital Services Coordinator or the Board that initiated the proceedings pursuant to paragraph 1.</u>	Moved to row 522d	
Article 45a				
522a		See Article 45 rows 511 ff	Article 45a [previously Article 45, paragraph 5]	

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			Referral to the Commission	
(5)				
522b	<p>5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.</p> <p>Moved reference text</p>	See Article 45 paragraph 5 row 520	<p>51. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, itFailing a response in the time period laid down in Article 45(4), or in case of disagreement with the assessment or the measures taken or envisaged in relation thereto, or in cases referred to in Article 46(3), the Board may refer the matter to the Commission, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4the assessment by that Digital Services Coordinator, the reasons supporting the disagreement and any additional information supporting the referral.</p>	

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			Moved from row 520	
(6)				
522c	<p>6. The Commission shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, the Board.</p> <p>Moved reference text</p>	See Article 45 paragraph 6 row 521	<p>62. The Commission shall assess the matter within threetwo months following the referral of the matter pursuant to paragraph 51, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, the Board.</p> <p>Moved from row 521</p>	
(7)				
522d	<p>7. Where, pursuant to paragraph 6, the Commission concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request.</p>	See Article 45 paragraph 7 row 522	<p>73. Where, pursuant to paragraph 62, the Commission concludesconsiders that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4Article 45(4) are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request or</p>	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	Moved reference text		insufficient to ensure its effective enforcement, it shall communicate its serious doubts to the Digital Services Coordinator of establishment and the Board and request the Digital Service Coordinator of establishment to review the matter. Moved from row 522	
Article 45a(4)				
522e			The Digital Services Coordinator of establishment shall take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, taking into utmost account the serious doubts and request for review of the Commission, and inform it about those measures taken within two months from that request.	
Article 46				
523	Article 46 Joint investigations and requests for Commission intervention	Article 46 Joint investigations and requests for Commission intervention	Article 46 Joint investigations and requests for Commission intervention	
Article 46(1), introductory part				
524				

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	1. Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the Board, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States.	1. Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the Board, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States.	1. The Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the Board, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States. Coordinator of establishment may launch and lead joint investigations:	
Article 46(1), first paragraph				
525	Such joint investigations are without prejudice to the tasks and powers of the participating Digital Coordinators and the requirements applicable to the performance of those tasks and exercise of those powers provided in this Regulation. The participating Digital Services Coordinators shall make the results of the joint investigations available to other Digital Services Coordinators, the Commission and the Board through the system provided for in Article 67 for the fulfilment of their respective tasks under this Regulation.	Such joint investigations are without prejudice to the tasks and powers of the participating Digital Coordinators and the requirements applicable to the performance of those tasks and exercise of those powers provided in this Regulation. The participating Digital Services Coordinators shall make the results of the joint investigations available to other Digital Services Coordinators, the Commission and the Board through the system provided for in Article 67 for the fulfilment of their respective tasks under this Regulation.	(a) Such joint investigations are without prejudice to the tasks and powers of the participating Digital Coordinators and the requirements applicable to the performance of those tasks and exercise of those powers provided in this Regulation. The participating Digital Services Coordinators shall make the results at its own initiative, to investigate an alleged infringement of this Regulation by a given provider of intermediary services in several Member States, with the participation of the joint investigations available to other concerned Digital Services Coordinators, the Commission and the Board through the system provided for in Article 67 for the	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			fulfilment of their respective tasks under this Regulation; or	
Article 46(1), first paragraph a				
525a			(b) upon recommendation of the Board, acting on the request of at least three Digital Services Coordinators pursuant to Article 48(3), alleging a reasonable suspicion of an infringement by a given provider of intermediary services affecting recipients of the service in their Member States, with the participation of the concerned Digital Services Coordinators.	
Article 46(1a)				
525b		<u>1a. Where a Digital Services Coordinator of establishment has reasons to suspect that a provider of intermediary services has infringed this Regulation in a manner involving at least one other Member State, it may propose to the Digital Services Coordinator of destination concerned to launch a joint investigation. The joint investigation shall be based on an agreement between the Member States concerned.</u>		

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Article 46(1b)				
525c		<p><u>1b. Upon request of the Digital Services Coordinator of destination who has reasons to suspect that a provider of intermediary services has infringed this Regulation in its Member State, the Board may recommend to the Digital Services Coordinator of establishment to launch a joint investigation with the Digital Services Coordinator of destination concerned. The joint investigation shall be based on an agreement between the Member States concerned.</u></p> <p><u>Where there is no agreement within one month, the joint investigation shall be under the supervision of the Digital Services Coordinator of establishment.</u></p> <p><u>Such joint investigations are without prejudice to the tasks and powers of the participating Digital Services Coordinators and the requirements applicable to the performance of those tasks and exercise of those powers provided in this Regulation. The participating Digital Services Coordinators shall make the results</u></p>		

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
		<u><i>of the joint investigations available to other Digital Services Coordinators, the Commission and the Board through the system provided for in Article 67 for the fulfilment of their respective tasks under this Regulation.</i></u>		
Article 46(2)				
526	2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the Commission to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the Commission to intervene.	2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the Commission to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the Commission to intervene.	2. Where a Any Digital ServicesService Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it proving a legitimate interest in participating in a joint investigation pursuant to paragraph 1 may request the Commission to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the Commission to intervene to do so. The deadline for concluding the joint investigation shall not exceed three months, unless otherwise agreed amongst the participants.	
Article 46(2), first paragraph				

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526a			The Digital Services Coordinator of establishment shall communicate its preliminary position no later than 1 month after the agreed deadline to all Digital Services Coordinators, the Commission and the Board. The preliminary position shall take into account the views of all other Digital Services Coordinators participating in the joint investigation. Where applicable, this preliminary position shall also set out the enforcement measures to be adopted.	
Article 46(3)				
526b			3. The matter may be referred to the Commission pursuant to Article 45a by the Board, where:	
Article 46(3a)				
526c			(a) no preliminary position is adopted within the deadline set out in paragraph 2;	
Article 46(3b)				
526d			(b) a substantial disagreement	

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			with the preliminary position of the Digital Services Coordinator of establishment exists; or	
Article 46(3c)				
526e			(c) the Digital Services Coordinator of establishment does not launch the joint investigation following the recommendation by the Board pursuant to point b of paragraph 1.	
Article 46(4)				
526f			4. In carrying out the joint investigation, the participants shall cooperate closely and in good faith with each other, taking into account the indications of the Digital Services Coordinator of establishment and the Board's recommendation, where applicable. Without prejudice to the powers of the Digital Services Coordinator of establishment and after consulting with it, the Digital Services Coordinators of destination participating in the joint investigation shall be entitled to exercise their investigative powers referred to in Article 41(1) in respect of the providers of	

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			intermediary services concerned by the alleged infringement, with regard to information and premises located within their territory.	
Section 2				
527	Section 2 European Board for Digital Services	Section 2 European Board for Digital Services	Section 2 European Board for Digital Services	
Article 47				
528	Article 47 European Board for Digital Services	Article 47 European Board for Digital Services	Article 47 European Board for Digital Services	
Article 47(1)				
529	1. An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named 'European Board for Digital Services' (the 'Board') is established.	1. An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named 'European Board for Digital Services' (the 'Board') is established.	1. An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named 'European Board for Digital Services' (the 'Board') is established.	
Article 47(2), introductory part				
530	2. The Board shall advise the Digital Services Coordinators and the Commission in accordance with	2. The Board shall advise the Digital Services Coordinators and the Commission in accordance with	2. The Board shall advise the Digital Services Coordinators and the Commission in accordance with	

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	this Regulation to achieve the following objectives:	this Regulation to achieve the following objectives:	this Regulation to achieve the following objectives:	
Article 47(2), point (a)				
531	(a) Contributing to the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators and the Commission with regard to matters covered by this Regulation;	(a) Contributing to the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators and the Commission with regard to matters covered by this Regulation;	(a) Contributing to the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators and the Commission with regard to matters covered by this Regulation;	
Article 47(2), point (b)				
532	(b) coordinating and contributing to guidance and analysis of the Commission and Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;	(b) coordinating and contributing to providing guidance and analysis of the Commission and Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;	(b) coordinating and contributing to guidance and analysis of the Commission and Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;	
Article 47(2), point (ba)				
532a		<u>(ba) contributing to the effective application of Article 3 of Directive 2000/31/EC to prevent fragmentation of the digital single market;</u>		
Article 47(2), point (c)				

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533	(c) assisting the Digital Services Coordinators and the Commission in the supervision of very large online platforms.	(c) assisting the Digital Services Coordinators and the Commission in the supervision of very large online platforms.	(c) assisting the Digital Services Coordinators and the Commission in the supervision of very large online platforms.	
Article 47(2), point (ca)				
533a		<u>(ca) contribute to the effective cooperation with the competent authorities of third countries and with international organisations.</u>		
Article 48				
534	Article 48 Structure of the Board	Article 48 Structure of the Board	Article 48 Structure of the Board	
Article 48(1)				
535	1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited	1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator, may <i>shall</i> participate in the Board. Other national authorities may be invited	1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited	

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	to the meetings, where the issues discussed are of relevance for them.	to the meetings, where the issues discussed are of relevance for them. <u><i>The meeting shall be deemed valid where at least two thirds of its members are present.</i></u>	to the meetings, where the issues discussed are of relevance for them.	
Article 48(1a)				
535a		<u><i>1a. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and with its rules of procedure.</i></u>		
Article 48(2), introductory part				
536	2. Each Member State shall have one vote. The Commission shall not have voting rights.	2. Each Member State shall have one vote, <u><i>to be cast by the Digital Services Coordinator.</i></u> The Commission shall not have voting rights.	2. Each Member State shall have one vote. The Commission shall not have voting rights.	
Article 48(2), first paragraph				
537	The Board shall adopt its acts by simple majority.	The Board shall adopt its acts by simple majority.	The Board shall adopt its acts by simple majority.	
Article 48(3)				
538				

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	3. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.	3. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.	3. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance with the tasks of the Board pursuant to this Regulation and in line with its rules of procedure. When the Board is requested to adopt a recommendation pursuant to this Regulation, this information shall be immediately made available to other Digital Services Coordinators through the information sharing system set out in Article 67.	
Article 48(4)				
539	4. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.	4. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.	4. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.	
Article 48(5)				
540	5. The Board may invite experts and observers to attend its meetings, and may cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.	5. The Board may invite experts and observers to attend its meetings, and may shall cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.	5. The Board may invite experts and observers to attend its meetings, and may cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.	

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Article 48(5a)				
540a		<u>5a. The Board shall, where appropriate, consult interested parties and shall make the results of that consultation publicly available.</u>		
Article 48(6)				
541	6. The Board shall adopt its rules of procedure, following the consent of the Commission.	6. The Board shall adopt its rules of procedure <u>by a two-thirds majority of its members</u> , following the consent of the Commission.	6. The Board shall adopt its rules of procedure, following the consent of the Commission.	
Article 49				
542	Article 49 Tasks of the Board	Article 49 Tasks of the Board	Article 49 Tasks of the Board	
Article 49(1), introductory part				
543	1. Where necessary to meet the objectives set out in Article 47(2), the Board shall in particular:	1. Where necessary to meet the objectives set out in Article 47(2), the Board shall in particular:	1. Where necessary to meet the objectives set out in Article 47(2), the Board shall in particular:	
Article 49(1), point (a)				
544	(a) support the coordination of joint investigations;	(a) support the coordination of joint investigations;	(a) support the coordination of joint investigations;	

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Article 49(1), point (b)				
545	(b) support the competent authorities in the analysis of reports and results of audits of very large online platforms to be transmitted pursuant to this Regulation;	(b) support the competent authorities in the analysis of reports and results of audits of very large online platforms to be transmitted pursuant to this Regulation;	(b) support the competent authorities in the analysis of reports and results of audits of very large online platforms or of very large online search engines to be transmitted pursuant to this Regulation;	
Article 49(1), point (c)				
546	(c) issue opinions, recommendations or advice to Digital Services Coordinators in accordance with this Regulation;	(c) issue opinions, recommendations or advice to Digital Services Coordinators in accordance with this Regulation;	(c) issue opinions, recommendations or advice to Digital Services Coordinators in accordance with this Regulation;	
Article 49(1), point (ca)				
546a		<u>(ca) issue specific recommendations for the implementation of Article 13a;</u>		
Article 49(1), point (d)				
547	(d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning	(d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions on draft Commission measures concerning	(d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission, adopt opinions concerning very large online	

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	very large online platforms in accordance with this Regulation;	very large online platforms in accordance with this Regulation;	platforms or on draft Commission measures concerning very large online platforms search engines in accordance with this Regulation;	
Article 49(1), point (da)				
547a		<u>(da) monitor the compliance with Article 3 of Directive 2000/31/EC of measures taken by a Member State restricting the freedom to provide services of intermediary service providers from another Member State and ensure that those measures are strictly necessary and do not restrict the application of this Regulation;</u>		
Article 49(1), point (e)				
548	(e) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts as provided for in this Regulation, as well as the identification of emerging issues, with regard to matters covered by this Regulation.	(e) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts <u>in close collaboration with relevant stakeholders</u> as provided for in this Regulation, <u>including by issuing opinions, recommendations or advice on matters related to Article 34</u> , as well as the identification of emerging issues, with regard to matters covered by this Regulation.	(e) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts as provided for in this Regulation, as well as the identification of emerging issues, with regard to matters covered by this Regulation.	

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Article 49(2)				
549	2. Digital Services Coordinators and other national competent authorities that do not follow the opinions, requests or recommendations addressed to them adopted by the Board shall provide the reasons for this choice when reporting pursuant to this Regulation or when adopting their relevant decisions, as appropriate.	2. Digital Services Coordinators and other national competent authorities that do not follow the opinions, requests or recommendations addressed to them adopted by the Board shall provide the reasons for this choice <u>and an explanation on the investigations, actions and the measures that they have implemented</u> when reporting pursuant to this Regulation or when adopting their relevant decisions, as appropriate.	2. Digital Services Coordinators and, where applicable, other other national competent authorities that do not follow the opinions, requests or recommendations addressed to them adopted by the Board shall provide the reasons for this choice when reporting pursuant to this Regulation or when adopting their relevant decisions, as appropriate.	
Article 49a				
549a		<u>Article 49a Reports</u>		
Article 49a(1)				
549b		<u>1. The Board shall draw up an annual report regarding its activities. The report shall be made public and be transmitted to the European Parliament, to the Council and to the Commission in all official languages of the Union.</u>		

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Article 49a(2)				
549c		<u>2. The annual report shall include, among other information, a review of the practical application of the opinions, guidelines, recommendations advice and any other measures taken under Article 49(1).</u>		
Section 3				
550	Section 3 Supervision, investigation, enforcement and monitoring in respect of very large online platforms	Section 3 Supervision, investigation, enforcement and monitoring in respect of very large online platforms	Section 3 Supervision, investigation, enforcement and monitoring in respect of very large online platforms or very large online search engines	
Article 49a				
550a			Article 49a Development of expertise and capabilities	
Article 49a, first paragraph				
550b			The Commission, in cooperation with the Digital Services Coordinators and the Board, shall develop Union expertise and capabilities and coordinate the assessment of systemic and	

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			emerging issues across the Union in relation to very large online platforms or very large online search engines with regard to matters covered by this Regulation. The Commission may ask the Digital Services Coordinators to support their assessment of systemic and emerging issues across the Union under this Regulation. Member States shall facilitate cooperation with the Commission through their respective Digital Services Coordinators and other competent authorities where applicable, including by making available their expertise and capabilities.	
Article 50				
551	Article 50 Enhanced supervision for very large online platforms	Article 50 Enhanced supervision for very large online platforms	Article 50 Enhanced supervision for Enforcement of obligations of very large online platforms and very large online search engines	
Article 50(1), introductory part				
552	1. Where the Digital Services Coordinator of establishment adopts a decision finding that a very large online platform has infringed any of	1. Where the Digital Services Coordinator of establishment adopts a decision finding that a very large online platform has infringed any of	1. Where the Digital Services Coordinator of establishment adopts a decision finding that a For the purposes of investigation of	

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	the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.	the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.	compliance of the providers of very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system platforms and of very large online search engines with the obligations laid down in this Regulation, the Commission may exercise the investigatory powers laid down in this Section even before initiating proceedings pursuant to Article 51(2). It may exercise these powers on its own initiative or following a request pursuant to paragraph 2 of. It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.	
Article 50(1), first paragraph				
553	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	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 the provisions of Section 4 of Chapter III, recommend the Digital Services Coordinator of establishment to	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	

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	to that Digital Services Coordinator adopting such a decision within a reasonable time period.	investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision within a reasonable time period <u>and no later than three months</u> .	to that Digital Services Coordinator adopting such a decision within a reasonable time period.	
Article 50(2)				
554	2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.	2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include <u>recommend</u> , where appropriate, participation in a code of conduct as provided for in Article 35.	2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the Where a Digital Services Coordinator has reasons to suspect that a provider of very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35 or of very large online search engine infringed the provisions of Chapter III Section 4 or systemically any of the provisions of this Regulation	

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			seriously affecting recipients in its Member State, it may file, through the information sharing system referred to in Article 67, a duly reasoned request to the Commission to assess the matter.	
Article 50(3), introductory part				
555	3. Within one month following receipt of the action plan, the Board shall communicate its opinion on the action plan to the Digital Services Coordinator of establishment. Within one month following receipt of that opinion, that Digital Services Coordinator shall decide whether the action plan is appropriate to terminate or remedy the infringement.	3. Within one month following receipt of the action plan, the Board shall communicate its opinion on the action plan to the Digital Services Coordinator of establishment. Within one month following receipt of that opinion, that Digital Services Coordinator shall decide whether the action plan is appropriate to terminate or remedy the infringement.	3. Within one month following receipt of the action plan, the Board shall communicate its opinion on the action plan to the Digital Services Coordinator of establishment. Within one month following receipt of that opinion, that Digital Services Coordinator A request pursuant to paragraph 2 shall decide whether the action plan is appropriate to terminate or remedy the infringement. be duly reasoned and at least indicate:	
Article 50(3a),				
556	Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, independent audit to assess the	Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, independent audit to assess the	(a) Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, the electronic point of contact of the measures to	

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	effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).	effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).	independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital provider of the intermediary services Coordinator, the Commission and the Board within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out as provided for in Article 28(2).10;	
Article 50(3b),				
556a			(b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Digital Services Coordinator that sent the request suspects that the provider infringed this Regulation, including a description of the facts that show the systemic nature of the infringement;	
Article 50(3c),				

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556b			(c) any other information that the Digital Services Coordinator that sent the request considers relevant, including, where appropriate, information gathered on its own initiative.	
Article 50(4), introductory part				
557	4. The Digital Services Coordinator of establishment shall communicate to the Commission, the Board and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:	4. The Digital Services Coordinator of establishment shall communicate to the Commission, the Board and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:	4. The Digital Services Coordinator of establishment shall communicate to the Commission, the Board and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:	
Article 50(4), point (a)				
558	(a) within one month from the receipt of the audit report referred to in the second subparagraph of paragraph 3, where such an audit was performed;	(a) within one month from the receipt of the audit report referred to in the second subparagraph of paragraph 3, where such an audit was performed;	(a) within one month from the receipt of the audit report referred to in the second subparagraph of paragraph 3, where such an audit was performed;	
Article 50(4), point (b)				
559				

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	(b) within three months from the decision on the action plan referred to in the first subparagraph of paragraph 3, where no such audit was performed;	(b) within three months from the decision on the action plan referred to in the first subparagraph of paragraph 3, where no such audit was performed;	(b) within three months from the decision on the action plan referred to in the first subparagraph of paragraph 3, where no such audit was performed;	
Article 50(4), point (c)				
560	(c) immediately upon the expiry of the time period set out in paragraph 2, where that platform failed to communicate the action plan within that time period.	(c) immediately upon the expiry of the time period set out in paragraph 2, where that platform failed to communicate the action plan within that time period.	(c) immediately upon the expiry of the time period set out in paragraph 2, where that platform failed to communicate the action plan within that time period.	
Article 50(4), first paragraph				
561	Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.	Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.	Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.	
Article 51				
562	Article 51 Intervention by the Commission and opening of proceedings	Article 51 Intervention <u>Opening of proceedings</u> by the Commission and opening of	Article 51 Intervention Initiation of proceedings by the Commission and	

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		proceedings	opening of proceedings cooperation in investigation	
Article 51(1), introductory part				
563	1. The Commission, acting either upon the Board's recommendation or on its own initiative after consulting the Board, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:	1. The Commission, acting either upon the Board's recommendation or on its own initiative after consulting the Board, may <u>shall</u> initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:	1. The Commission, acting either upon the Board's recommendation or on its own initiative after consulting the Board, may initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the provider of the very large online platform or of the very large online search engine that is suspected by the Commission of having infringed any of the provisions laid down in this Regulation. that:	
Article 51(1), point (a)				
564	(a) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment did not take any investigatory or enforcement measures, pursuant to the request of the Commission referred to in Article 45(7), upon the expiry of the time period set in that request;	(a) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment did not take any investigatory or enforcement measures, pursuant to the request of the Commission referred to in Article 45(7), upon the expiry of the time period set in that request;	(a) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment did not take any investigatory or enforcement measures, pursuant to the request of the Commission referred to in Article 45(7), upon the expiry of the time period set in that request;	

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Article 51(1), point (b)				
565	(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the Commission to intervene in accordance with Article 46(2), upon the reception of that request;	(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the Commission to intervene in accordance with Article 46(2), upon the reception of that request;	(b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the Commission to intervene in accordance with Article 46(2), upon the reception of that request;	
Article 51(1), point (c)				
566	(c) has been found to have infringed any of the provisions of Section 4 of Chapter III, upon the expiry of the relevant time period for the communication referred to in Article 50(4).	(c) has been found to have infringed any of the provisions of Section 4 of Chapter III, upon the expiry of the relevant time period for the communication referred to in Article 50(4).	(c) has been found to have infringed any of the provisions of Section 4 of Chapter III, upon the expiry of the relevant time period for the communication referred to in Article 50(4).	
Article 51(2), introductory part				
567	2. Where the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.	2. Where the Commission decides to initiate initiates proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned.	2. Where the Commission decides to initiate proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators; and the Board and through the information sharing system, as well as the provider of the very large online platform or of a very large online search engine concerned.	
Article 51(2), first paragraph				

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568	As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator of establishment concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.	As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator of establishment concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.	As regards points (a) and (b) of paragraph 1, pursuant to that notification, The Digital Services Coordinator of establishment concerned Coordinators shall no longer be entitled to take any investigatory or enforcement measures in respect, without undue delay upon being informed of initiation of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission proceedings, transmit to the Commission any information they hold about the infringement at stake.	
Article 51(2), second paragraph				
568a			The initiation of proceedings pursuant to paragraph 1 by the Commission shall relieve the Digital Services Coordinator, or any competent authority where applicable, of its competence to supervise and enforce the obligations laid down in this Regulation pursuant to Article 44a(1c).	
Article 51(3), introductory part				

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569	3. The Digital Services Coordinator referred to in Articles 45(7), 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the Commission:	3. The Digital Services Coordinator referred to in Articles 45(7), 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the Commission:	3. In the exercise of its powers of investigation the Commission may request the individual or joint support of the Digital Services Coordinators concerned by the alleged infringement, including the Digital Services Coordinator of establishment, which shall cooperate timely and sincerely with the Commission and accordingly be entitled to exercise their investigative powers referred to in Articles 45(7), 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to Article 41(1) in respect of the very large online platform or very large online search engine at stake, with regard to information and premises located within their Member State and in accordance with the request of the Commission.	
Article 51(3), point (a)				
570	(a) any information that that Digital Services Coordinator exchanged relating to the infringement or the suspected infringement, as applicable, with the Board and with the very large online platform concerned;	(a) any information that that Digital Services Coordinator exchanged relating to the infringement or the suspected infringement, as applicable, with the Board and with the very large online platform concerned;	(a) any information that that Digital Services Coordinator exchanged relating to the infringement or the suspected infringement, as applicable, with the Board and with the very large online platform concerned;	

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Article 51(3), point (b)				
571	(b) the case file of that Digital Services Coordinator relating to the infringement or the suspected infringement, as applicable;	(b) the case file of that Digital Services Coordinator relating to the infringement or the suspected infringement, as applicable;	(b) the case file of that Digital Services Coordinator relating to the infringement or the suspected infringement, as applicable;	
Article 51(3), point (c)				
572	(c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the Commission.	(c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the Commission.	(c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the Commission.	
Article 51(4)				
573	4. The Board, and the Digital Services Coordinators making the request referred to in Article 45(1), shall, without undue delay upon being informed, transmit to the Commission any information in their possession that may be relevant to the proceedings initiated by the Commission.	4. The Board, and the Digital Services Coordinators making the request referred to in Article 45(1), shall, without undue delay upon being informed, transmit to the Commission any information in their possession that may be relevant to the proceedings initiated by the Commission.	4. The Board, and Commission shall provide the Digital Services Coordinators making the request Coordinator of establishment and the Board all relevant information about the exercise of the powers referred to in Articles 52 to 57 and communicate its preliminary findings pursuant to Article 45(1), 63(1). The Board shall, without undue delay upon being informed, transmit to provide its views on the preliminary findings of the Commission any	

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			information in their possession that may be relevant to the proceedings initiated by the Commission within a reasonable time period set pursuant to Article 63(2). The Commission shall take utmost account of the views of the Board in its final decision.	
Article 52				
574	Article 52 Requests for information	Article 52 Requests for information	Article 52 Requests for information	
Article 52(1)				
575	1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.	1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple <u>reasoned</u> request or by decision require the very large online platforms concerned, <u>their legal representatives</u> as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time	1. In order to carry out the tasks assigned to it under this Section, the Commission may, by simple request or by decision, require the provider of the very large online platforms platform or of very large online search engine concerned, as well as any other persons natural or legal person acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3) [50(2)] , to provide such	

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		period.	information within a reasonable time period.	
Article 52(2)				
576	2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the Commission shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.	2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the Commission shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.	2. When sending a simple request for information to the provider of the very large online platform or of very large online search engine concerned or other person referred to in Article 52(1) paragraph 1 of this Article , the Commission shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties fin es provided for in Article 59 for supplying incorrect or misleading information.	
Article 52(3)				
577	3. Where the Commission requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties	3. Where the Commission requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties	3. Where the Commission requires the provider of the very large online platform or of very large online search engine concerned or other person referred to in Article 52(1) paragraph 1 of this Article to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the	

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	provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.	provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.	time period within which it is to be provided. It shall also indicate the penalties fin es provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.	
Article 52(3a)				
577a		<u><i>3a. The purpose of the request shall include reasoning on why and how the information is necessary and proportionate to the objective pursued and why it cannot be received by other means.</i></u>		
Article 52(4)				
578	4. The owners of the very large online platform concerned or other person referred to in Article 52(1) or their representatives and, in the case of legal persons, companies or firms, or where they have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested on behalf of the very large online platform concerned or other person referred to	4. The owners of the very large online platform concerned or other person referred to in Article 52(1) or their representatives and, in the case of legal persons, companies or firms, or where they have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested on behalf of the very large online platform concerned or other person referred to	4. The owners of the very large online platform or of the very large online search engine concerned or other person referred to in Article 52(1) paragraph 1 or their representatives and, in the case of legal persons, companies or firms, or where they have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested on behalf of	

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	in Article 52(1). Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.	in Article 52(1). Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.	the provider of the very large online platform or of the very large online search engine concerned or other person referred to in Article 52(1) paragraph 1 . Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.	
Article 52(5)				
579	5. At the request of the Commission, the Digital Services Coordinators and other competent authorities shall provide the Commission with all necessary information to carry out the tasks assigned to it under this Section.	5. At the request of the Commission, the Digital Services Coordinators and other competent authorities shall provide the Commission with all necessary information to carry out the tasks assigned to it under this Section.	5. At the request of the Commission, the Digital Services Coordinators and other competent authorities shall provide the Commission with all necessary information to carry out the tasks assigned to it under this Section.	
Article 52(5a)				
579a			5a. The Commission shall without delay forward a copy of the simple request for information or a copy of the decision requesting information to the Digital Services Coordinators.	
Article 53				

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580	Article 53 Power to take interviews and statements	Article 53 Power to take interviews and statements	Article 53 Power to take interviews and statements	
Article 53, first paragraph				
581	In order to carry out the tasks assigned to it under this Section, the Commission may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.	In order to carry out the tasks assigned to it under this Section, the Commission may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.	1. In order to carry out the tasks assigned to it under this Section, the Commission may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable. The Commission shall be entitled to record such interview by appropriate technical means.	
Article 53 (2)				
581a			2. Where an interview pursuant to paragraph 1 is conducted on the premises of an undertaking, the Commission shall inform the Digital Services Coordinator in the Member State of which the interview takes place. If so requested by that Digital Services Coordinator, its officials may assist the officials and other	

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			accompanying persons authorised by the Commission to conduct the interview.	
Article 54				
582	Article 54 Power to conduct on-site inspections	Article 54 Power to conduct on-site inspections	Article 54 Power to conduct on-site inspections	
Article 54(1)				
583	1. In order to carry out the tasks assigned to it under this Section, the Commission may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).	1. In order to carry out the tasks assigned to it under this Section, the Commission may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).	1. In order to carry out the tasks assigned to it under this Section, the Commission may conduct on-site all necessary inspections at the premises of the provider of the very large online search engine concerned or other person referred to in Article 52(1).	
Article 54(1a)				
583a			1a. The officials and other accompanying persons authorised by the Commission to conduct an inspection are empowered to:	
Article 54(1a)(a)				
583b			(a) enter any premises, land and	

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			means of transport of undertakings and associations of undertakings;	
Article 54(1a)(b)				
583c			(b) examine the books and other records related to the business, irrespective of the medium on which they are stored;	
Article 54(1a)(c)				
583d			(c) take or obtain in any form copies of or extracts from such books or records;	
Article 54(1a)(d)				
583e			(d) require the undertaking or association of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business practices and to record or document the explanations given;	
Article 54(1a)(e)				
583f			(e) seal any business premises and	

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			books or records for the period and to the extent necessary for the inspection;	
Article 54(1a)(f)				
583g			(f) ask any representative or member of staff of the undertaking or association of undertakings for explanations on facts or documents relating to the subject-matter and purpose of the inspection and to record the answers;	
Article 54(1a)(g)				
583h			(g) address questions to any representative or member of staff relating to the subject-matter and purpose of the inspection and to record the answers.	
Article 54(2)				
584	2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 57(2).	2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 57(2).	2. On-site Inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 57(2), as well as with the Digital Services Coordinator or the competent national authorities of	

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			the Member State in the territory of which the inspection is to be conducted.	
Article 54(2a)				
584a			2a. The officials and other accompanying persons authorised by the Commission to conduct an inspection shall exercise their powers upon production of a written authorisation specifying the subject matter and purpose of the inspection and the penalties provided for in Articles 59 and 60 in case the production of required books or other records related to the business is incomplete or where the answers to questions asked under paragraph 2 of this Article are incorrect or misleading. In good time before the inspection, the Commission shall inform about the planned inspection the Digital Service Coordinator of the Member State in the territory of which the inspection is to be conducted.	
Article 54(3)				
585	3. During on-site inspections the Commission and auditors or experts	3. During on-site inspections the Commission and auditors or experts	3. During on-site inspections the Commission and, auditors or and	

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	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).	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).	experts appointed by it the Commission, as well as the competent national authorities of the Member State in the territory of which the inspection is to be conducted may require the provider of the very large online platform or of the very large online search engine 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 provider of the very large online platform or of the very large online search engine concerned or other person referred to in Article 52(1).	
Article 54(4)				
586	4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to	4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to	4. The provider of the very large online platform or of the very large online search engine concerned or other natural or legal person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the visit, set the date on	

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	have the decision reviewed by the Court of Justice of the European Union.	have the decision reviewed by the Court of Justice of the European Union.	which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union. The Commission shall take such decisions after consulting the Digital Services Coordinator of establishment in the Member State of which the inspection is to be conducted.	
Article 54(5)				
586a			5. Officials of as well as persons authorised or appointed by the Digital Services Coordinator in the Member State of which the inspection is to be conducted shall, at the request of that authority or of the Commission, actively assist the officials and other accompanying persons authorised by the Commission. To this end, they shall have the powers listed in paragraph 1a.	
Article 54(6)				
586b			6. Where the officials and other accompanying persons authorised by the Commission find that an undertaking opposes an inspection	

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			ordered pursuant to this Article, the Member State concerned shall, on request by the officials or other accompanying persons and in accordance with national law, afford them the necessary assistance, upon their request of, where appropriate, the assistance of an enforcement authority, so as to enable them to conduct their inspection.	
Article 54(7)				
586c			7. If the assistance provided for in paragraph 6 requires authorisation from a judicial authority according to national rules, such authorisation shall be applied for by the Digital Services Coordinator of the Member State on the territory of which the inspection is to be carried out upon the request of the Commission. Such authorisation may also be applied for as a precautionary measure.	
Article 54(8)				
586d			8. Where authorisation as referred to in paragraph 7 is applied for, the national judicial	

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			<p>authority shall verify that the Commission decision is authentic and that the coercive measures envisaged are neither arbitrary nor excessive having regard to the subject matter of the inspection. Within such verification, the national judicial authority may ask the Commission, directly or through the Digital Services Coordinators, for detailed explanations in particular on the grounds the Commission has for suspecting an infringement of this Regulation, as well as on the seriousness of the suspected infringement and on the nature of the involvement of the undertaking concerned. However, the national judicial authority may not call into question the necessity for the inspection nor demand information from the case file of the Commission. The lawfulness of the Commission decision shall be subject to review only by the Court of Justice of the European Union.</p>	
Article 55				
587	Article 55 Interim measures	Article 55 Interim measures	Article 55 Interim measures	

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Article 55(1)				
588	1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.	1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order <u>proportionate</u> interim measures <u>in compliance with fundamental rights</u> against the very large online platform concerned on the basis of a prima facie finding of an infringement.	1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order interim measures against the provider of the very large online platform or of the very large online search engine concerned on the basis of a prima facie finding of an infringement.	
Article 55(2)				
589	2. A decision under paragraph 1 shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.	2. A decision under paragraph 1 shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.	2. A decision under paragraph 1 shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.	
Article 56				
590	Article 56 Commitments	Article 56 Commitments	Article 56 Commitments	
Article 56(1)				
591	1. If, during proceedings under this Section, the very large online	1. If, during proceedings under this Section, the very large online	1. If, during proceedings under this Section, the provider of the very	

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	platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.	platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.	large online platform or of the very large online search engine concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the provider of the very large online platform or of the very large online search engine concerned and declare that there are no further grounds for action.	
Article 56(2), introductory part				
592	2. The Commission may, upon request or on its own initiative, reopen the proceedings:	2. The Commission may, upon request or on its own initiative, <u>shall</u> reopen the proceedings:	2. The Commission may, upon request or on its own initiative, reopen reinitiate the proceedings:	
Article 56(2), point (a)				
593	(a) where there has been a material change in any of the facts on which the decision was based;	(a) where there has been a material change in any of the facts on which the decision was based;	(a) where there has been a material change in any of the facts on which the decision was based;	
Article 56(2), point (b)				
594	(b) where the very large online platform concerned acts contrary to its commitments; or	(b) where the very large online platform concerned acts contrary to its commitments; or	(b) where the provider of the very large online platform or of the very large online search engine concerned acts contrary to its commitments; or	

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Article 56(2), point (c)				
595	(c) where the decision was based on incomplete, incorrect or misleading information provided by the very large online platform concerned or other person referred to in Article 52(1).	(c) where the decision was based on incomplete, incorrect or misleading information provided by the very large online platform concerned or other person referred to in Article 52(1).	(c) where the decision was based on incomplete, incorrect or misleading information provided by the provider of the very large online platform or of the very large online search engine concerned or other person referred to in Article 52(1).	
Article 56(3)				
596	3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.	3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.	3. Where the Commission considers that the commitments offered by the provider of the very large online platform or of the very large online search engine concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.	
Article 57				
597	Article 57 Monitoring actions	Article 57 Monitoring actions	Article 57 Monitoring actions	
Article 57(1)				
598				

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	1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.	1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide access to, and explanations relating to, its databases and algorithms.	1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective implementation and compliance with this Regulation by the provider of the very large online platform or of the very large online search engine concerned. The Commission may also order that platform provider to provide access to, and explanations relating to, its databases and algorithms. Such actions may include in particular the imposition of an obligation on the provider of the very large online platform or of the very large online search engine to retain all documents deemed to be necessary to assess the provider's implementation of and compliance with these obligations and decisions.	
Article 57(2)				
599	2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the	2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the	2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors, as well as from competent national authorities , to assist the Commission in monitoring compliance with the relevant provisions of this Regulation and to	

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	Commission.	Commission.	provide specific expertise or knowledge to the Commission.	
Article 58				
600	Article 58 Non-compliance	Article 58 Non-compliance	Article 58 Non-compliance	
Article 58(1), introductory part				
601	1. The Commission shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:	1. The Commission shall adopt a non-compliance decision where it finds that the very large online platform concerned does not comply with one or more of the following:	1. The Commission shall adopt a non-compliance decision where it finds that the provider of the very large online platform or of the very large online search engine concerned does not comply with one or more of the following:	
Article 58(1), point (a)				
602	(a) the relevant provisions of this Regulation;	(a) the relevant provisions of this Regulation;	(a) the relevant provisions of this Regulation;	
Article 58(1), point (b)				
603	(b) interim measures ordered pursuant to Article 55;	(b) interim measures ordered pursuant to Article 55; <u>or</u>	(b) interim measures ordered pursuant to Article 55;	
Article 58(1), point (c)				
604				

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	(c) commitments made binding pursuant to Article 56,	(c) commitments made binding pursuant to Article 56,	(c) commitments made binding pursuant to Article 56.	
Article 58(2)				
605	2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the Commission shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.	2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the Commission shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.	2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the provider of the very large online platform or of the very large online search engine concerned. In the preliminary findings, the Commission shall explain the measures that it considers taking, or that it considers that the provider of the very large online platform or of the very large online search engine concerned should take, in order to effectively address the preliminary findings.	
Article 58(3)				
606	3. In the decision adopted pursuant to paragraph 1 the Commission shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.	3. In the decision adopted pursuant to paragraph 1 the Commission shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period <u>one month</u> and to provide information on the measures that that platform intends to take to comply with the	3. In the decision adopted pursuant to paragraph 1 the Commission shall order the provider of the very large online platform or of the very large online search engine concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures	

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		decision.	that that platform provider intends to take to comply with the decision.	
Article 58(4)				
607	4. The very large online platform concerned shall provide the Commission with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.	4. The very large online platform concerned shall provide the Commission with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.	4. The provider of the very large online platform or of the very large online search engine concerned shall provide the Commission with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.	
Article 58(5)				
608	5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.	5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision. <u><i>The decision shall apply with immediate effect.</i></u>	5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.	
Article 59				
609	Article 59 Fines	Article 59 Fines	Article 59 Fines	
Article 59(1), introductory part				
610	1. In the decision pursuant to Article 58, the Commission may impose on	1. In the decision pursuant to Article 58, the Commission may impose on	1. In the decision pursuant to Article 58, the Commission may impose on	

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	the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:	the very large online platform concerned fines not exceeding 6% of its total <u>worldwide</u> turnover in the preceding financial year where it finds that that <u>the</u> platform, intentionally or negligently:	the provider of the very large online platform or of the very large online search engine concerned fines not exceeding 6% 6 % of its total worldwide turnover in the preceding financial year where it finds that that platform provider , intentionally or negligently:	
Article 59(1), point (a)				
611	(a) infringes the relevant provisions of this Regulation;	(a) infringes the relevant provisions of this Regulation;	(a) infringes the relevant provisions of this Regulation;	
Article 59(1), point (b)				
612	(b) fails to comply with a decision ordering interim measures under Article 55; or	(b) fails to comply with a decision ordering interim measures under Article 55; or	(b) fails to comply with a decision ordering interim measures under Article 55 infringes the relevant provisions of this Regulation; or	
Article 59(1), point (c)				
613	(c) fails to comply with a voluntary measure made binding by a decision pursuant to Articles 56.	(c) fails to comply with a voluntary measure made binding by a decision pursuant to Articles 56.	(c) fails to comply with a voluntary measure commitment made binding by a decision pursuant to Articles 56-;	
Article 59(2), introductory part				
614	2. The Commission may by	2. The Commission may by	2. The Commission may by	

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	decision impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or negligently:	decision <u>and in compliance with the proportionality principle</u> impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total <u>worldwide</u> turnover in the preceding financial year, where they intentionally or negligently:	decision impose on the provider of the very large online platform or of the very large online search engine concerned or other natural or legal person referred to in Article 52(1) fines not exceeding 1% 1 % of the total annual income or turnover in the preceding financial year, where they intentionally or negligently:	
Article 59(2), point (a)				
615	(a) supply incorrect, incomplete or misleading information in response to a request pursuant to Article 52 or, when the information is requested by decision, fail to reply to the request within the set time period;	(a) supply incorrect, incomplete or misleading information in response to a request pursuant to Article 52 or, when the information is requested by decision, fail to reply to the request within the set time period;	(a) supply incorrect, incomplete or misleading information in response to a request pursuant to Article 52 or, when the information is requested by simple request or request by a decision, fail to reply to the request within the set time period; pursuant to Article 52;	
Article 59(2), point (aa)				
615a			(aa) fail to reply to the request for information by decision within the set time period;	
Article 59(2), point (b)				
616	(b) fail to rectify within the time period set by the Commission, incorrect, incomplete or misleading	(b) fail to rectify within the time period set by the Commission, incorrect, incomplete or misleading	(b) fail to rectify within the time period set by the Commission, incorrect, incomplete or misleading	

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	information given by a member of staff, or fail or refuse to provide complete information;	information given by a member of staff, or fail or refuse to provide complete information;	information given by a member of staff, or fail or refuse to provide complete information;	
Article 59(2), point (c)				
617	(c) refuse to submit to an on-site inspection pursuant to Article 54.	(c) refuse to submit to an on-site inspection pursuant to Article 54.	(c) refuse to submit to an on-site inspection pursuant to Article 54.;	
Article 59(2), point (d)				
617a			(d) fails to comply with the measures adopted by the Commission pursuant to Article 57; or [moved from paragraph 1]	
Article 59(2), point (e)				
617b			(e) fails to comply with the conditions for access to the Commission's file pursuant to Article 63(4). [moved from paragraph 1]	
Article 59(3)				
618	3. Before adopting the decision pursuant to paragraph 2, the Commission shall communicate its preliminary findings to the very large online platform concerned or	3. Before adopting the decision pursuant to paragraph 2, the Commission shall communicate its preliminary findings to the very large online platform concerned or	3. Before adopting the decision pursuant to paragraph 2 of this Article , the Commission shall communicate its preliminary findings to the provider of the very	

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	other person referred to in Article 52(1).	other person referred to in Article 52(1).	large online platform or of the very large online search engine concerned or other person referred to in Article 52(1).	
Article 59(4)				
619	4. In fixing the amount of the fine, the Commission shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.	4. In fixing the amount of the fine, the Commission shall have regard to the nature, gravity, duration and recurrence of the infringement <u>any fines issued under Article 42 for the same infringement</u> and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.	4. In fixing the amount of the fine, the Commission shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.	
Article 59a				
619a			Article 59a Enhanced supervision of remedies to address infringements of obligations laid down in Section 4 of Chapter III	
Article 59a(1)				
619b			1. Where the Commission has adopted a decision pursuant to Article 58 and 59 in relation to an infringement by a provider of very large online platform or of a very large online search engine of any	

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			of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision system laid down in this Article. It shall take utmost account of any opinion of the Board pursuant to this Article.	
Article 59a(2)				
619c			2. When communicating the decision referred to in paragraph 1 of this Article to the provider of a very large online platform or of a very large online search engine concerned, the Commission shall also require the provider to draw up and communicate, within a timeline set by the Commission, to the Digital Services Coordinators, the Commission and the Board an action plan to terminate or remedy the infringement. The measures set out in the action plan shall include a commitment to complete an independent audit in accordance with Article 28(2) and (3) on the implementation of the proposed measures, with the identity of the proposed auditors and the methodology, timing and follow-up of the audit set out in the action plan. The measures may also include, where appropriate, a	

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			commitment to participate in a relevant code of conduct as provided for in Article 35.	
Article 59a(3)				
619d			3. Within one month following receipt of the action plan, the Board shall communicate its opinion on the action plan to the Commission. Within one month following receipt of that opinion, the Commission shall decide whether the action plan is appropriate to terminate or remedy the infringement and set a time limit for its implementation. The possible commitment to adhere to relevant codes of conduct shall be taken into account in this decision.	
Article 59a(4), introductory part				
619e			4. The Commission may take necessary measures in accordance with this Regulation, in particular Articles 60(1)(e) and 65(1), where:	
Article 59a(4), point (a)				
619f			(a) the provider of very large	

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			online platform or of very large online search engine has not provided any action plan; or	
Article 59a(4), point (b)				
619g			(b) the Commission rejects the proposed action plan or	
Article 59a(4), point (c)				
619h			(c) the Commission considers that the provider has not remedied the infringement following the implementation of the action plan.	
Article 60				
620	Article 60 Periodic penalty payments	Article 60 Periodic penalty payments	Article 60 Periodic penalty payments	
Article 60(1), introductory part				
621	1. The Commission may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding 5 % of the average daily turnover in the preceding financial year per day,	1. The Commission may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding 5 % of the average daily <u>worldwide</u> turnover in the preceding financial year per day,	1. The Commission may, by decision, impose on the provider of the very large online platform or of the very large online search engine concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding 5 % of the average daily	

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	calculated from the date appointed by the decision, in order to compel them to:	calculated from the date appointed by the decision, in order to compel them to:	income or worldwide turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:	
Article 60(1), point (a)				
622	(a) supply correct and complete information in response to a decision requiring information pursuant to Article 52;	(a) supply correct and complete information in response to a decision requiring information pursuant to Article 52;	(a) supply correct and complete information in response to a decision requiring information pursuant to Article 52;	
Article 60(1), point (b)				
623	(b) submit to an on-site inspection which it has ordered by decision pursuant to Article 54;	(b) submit to an on-site inspection which it has ordered by decision pursuant to Article 54;	(b) submit to an on-site inspection which it has ordered by decision pursuant to Article 54;	
Article 60(1), point (c)				
624	(c) comply with a decision ordering interim measures pursuant to Article 55(1);	(c) comply with a decision ordering interim measures pursuant to Article 55(1);	(c) comply with a decision ordering interim measures pursuant to Article 55(1);	
Article 60(1), point (d)				
625	(d) comply with commitments made legally binding by a decision pursuant to Article 56(1);	(d) comply with commitments made legally binding by a decision pursuant to Article 56(1);	(d) comply with commitments made legally binding by a decision pursuant to Article 56(1);	

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Article 60(1), point (e)				
626	(e) comply with a decision pursuant to Article 58(1).	(e) comply with a decision pursuant to Article 58(1).	(e) comply with a decision pursuant to Article 58(1).	
Article 60(2)				
627	2. Where the very large online platform concerned or other person referred to in Article 52(1) has satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.	2. Where the very large online platform concerned or other person referred to in Article 52(1) has satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.	2. Where the provider of the very large online platform or of the very large online search engine concerned or other person referred to in Article 52(1) has satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.	
Article 61				
628	Article 61 Limitation period for the imposition of penalties	Article 61 Limitation period for the imposition of penalties	Article 61 Limitation period for the imposition of penalties	
Article 61(1)				
629	1. The powers conferred on the Commission by Articles 59 and 60 shall be subject to a limitation period of five years.	1. The powers conferred on the Commission by Articles 59 and 60 shall be subject to a limitation period of five years.	1. The powers conferred on the Commission by Articles 59 and 60 shall be subject to a limitation period of five years .: of five years.:	

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Article 61(1), (a)				
629a			(a) three years in the case of infringements of provisions concerning requests for information pursuant to Article 52, powers to conduct interviews and take statements pursuant to Article 53, or to conduct inspections pursuant to Article 54;	
Article 61(1), (b)				
629b			(b) five years in the case of all other infringements referred to in Articles 59 and 60.	
Article 61(2)				
630	2. Time shall begin to run on the day on which the infringement is committed. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.	2. Time shall begin to run on the day on which the infringement is committed. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.	2. Time shall begin to run on the day on which the infringement is committed. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.	
Article 61(3), introductory part				
631	3. Any action taken by the	3. Any action taken by the	3. Any action taken by the	

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	Commission or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:	Commission or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:	Commission or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:	
Article 61(3), point (a)				
632	(a) requests for information by the Commission or by a Digital Services Coordinator;	(a) requests for information by the Commission or by a Digital Services Coordinator;	(a) requests for information by the Commission or by a Digital Services Coordinator;	
Article 61(3), point (b)				
633	(b) on-site inspection;	(b) on-site inspection;	(b) on-site inspection;	
Article 61(3), point (c)				
634	(c) the opening of a proceeding by the Commission pursuant to Article 51(2).	(c) the opening of a proceeding by the Commission pursuant to Article 51(2).	(c) the opening initiation of a proceeding by the Commission pursuant to Article 51(2) 51(1) .	
Article 61(4)				
635	4. Each interruption shall start time running afresh. However, the limitation period for the imposition	4. Each interruption shall start time running afresh. However, the limitation period for the imposition	4. Each interruption shall start time running afresh. However, the limitation period for the imposition	

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	of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.	of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.	of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.	
Article 61(5)				
636	5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.	5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.	5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.	
Article 62				
637	Article 62 Limitation period for the enforcement of penalties	Article 62 Limitation period for the enforcement of penalties	Article 62 Limitation period for the enforcement of penalties	
Article 62(1)				
638	1. The power of the Commission to enforce decisions taken pursuant to	1. The power of the Commission to enforce decisions taken pursuant to	1. The power of the Commission to enforce decisions taken pursuant to	

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	Articles 59 and 60 shall be subject to a limitation period of five years.	Articles 59 and 60 shall be subject to a limitation period of five years.	Articles 59 and 60 shall be subject to a limitation period of five years.	
Article 62(2)				
639	2. Time shall begin to run on the day on which the decision becomes final.	2. Time shall begin to run on the day on which the decision becomes final.	2. Time shall begin to run on the day on which the decision becomes final.	
Article 62(3), introductory part				
640	3. The limitation period for the enforcement of penalties shall be interrupted:	3. The limitation period for the enforcement of penalties shall be interrupted:	3. The limitation period for the enforcement of penalties shall be interrupted:	
Article 62(3), point (a)				
641	(a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;	(a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;	(a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;	
Article 62(3), point (b)				
642	(b) by any action of the Commission, or of a Member State acting at the request of the Commission, designed to enforce payment of the fine or periodic penalty payment.	(b) by any action of the Commission, or of a Member State acting at the request of the Commission, designed to enforce payment of the fine or periodic penalty payment.	(b) by any action of the Commission, or of a Member State acting at the request of the Commission, designed to enforce payment of the fine or periodic penalty payment.	

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Article 62(4)				
643	4. Each interruption shall start time running afresh.	4. Each interruption shall start time running afresh.	4. Each interruption shall start time running afresh.	
Article 62(5), introductory part				
644	5. The limitation period for the enforcement of penalties shall be suspended for so long as:	5. The limitation period for the enforcement of penalties shall be suspended for so long as:	5. The limitation period for the enforcement of penalties shall be suspended for so long as:	
Article 62(5), point (a)				
645	(a) time to pay is allowed;	(a) time to pay is allowed;	(a) time to pay is allowed;	
Article 62(5), point (b)				
646	(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.	(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.	(b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union or to a decision of a national court.	
Article 63				
647	Article 63 Right to be heard and access to the file	Article 63 Right to be heard and access to the file	Article 63 Right to be heard and access to the file	
Article 63(1), introductory part				

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648	1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the Commission shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:	1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the Commission shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:	1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the Commission shall give the provider of the very large online platform or of the very large online search engine concerned or other person referred to in Article 52(1) the opportunity of being heard on:	
Article 63(1), point (a)				
649	(a) preliminary findings of the Commission, including any matter to which the Commission has taken objections; and	(a) preliminary findings of the Commission, including any matter to which the Commission has taken objections; and	(a) preliminary findings of the Commission, including any matter to which the Commission has taken objections; and	
Article 63(1), point (b)				
650	(b) measures that the Commission may intend to take in view of the preliminary findings referred to point (a).	(b) measures that the Commission may intend to take in view of the preliminary findings referred to point (a).	(b) measures that the Commission may intend to take in view of the preliminary findings referred to point (a).	
Article 63(2)				
651	2. The very large online platform concerned or other person referred to in Article 52(1) may submit their observations on the Commission's preliminary findings within a reasonable time period set by the	2. The very large online platform concerned or other person referred to in Article 52(1) may submit their observations on the Commission's preliminary findings within a reasonable time period set by the	2. The provider of the very large online platform or of the very large online search engine concerned or other person referred to in Article 52(1) and any natural or legal person who applies to be heard	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	Commission in its preliminary findings, which may not be less than 14 days.	Commission in its preliminary findings, which may not be less than 14 days.	and shows a legitimate interest may submit their observations on the Commission's preliminary findings within a reasonable time period set by the Commission in its preliminary findings, which may not be less than 14 days.	
Article 63(3)				
652	3. The Commission shall base its decisions only on objections on which the parties concerned have been able to comment.	3. The Commission shall base its decisions only on objections on which the parties concerned have been able to comment.	3. The Commission shall base its decisions only on objections on which the parties concerned have been able to comment.	
Article 63(4)				
653	4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the Commission or Member States' authorities. In particular, the right of access shall	4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the Commission or Member States' authorities. In particular, the right of access shall	4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of the provider of the very large online platform or of the very large online search engine concerned or other person referred to in Article 52(1) in the protection of their business secrets. The Commission shall have the power to issue decisions setting out such terms of disclosure in case of disagreement between the	

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	not extend to correspondence between the Commission and those authorities. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.	not extend to correspondence between the Commission and those authorities. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.	parties. The right of access to the file of the Commission shall not extend to confidential information and internal documents of the Commission or Member States' authorities. In particular, the right of access shall not extend to correspondence between the Commission and those authorities. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.	
Article 63(5)				
654	5. The information collected pursuant to Articles 52, 53 and 54 shall be used only for the purpose of this Regulation.	5. The information collected pursuant to Articles 52, 53 and 54 shall be used only for the purpose of this Regulation.	5. The information collected pursuant to Articles 52, 53 and 54 shall be used only for the purpose of this Regulation.	
Article 63(6)				
655	6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), the Commission, the Board, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and	6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), the Commission, the Board, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and	6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), the Commission, the Board, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and	

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	experts appointed pursuant to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy.	experts appointed pursuant to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy.	experts appointed pursuant. [moved to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy. 66a]	
Article 64				
656	Article 64 Publication of decisions	Article 64 Publication of decisions	Article 64 Publication of decisions	
Article 64(1)				
657	1. The Commission shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.	1. The Commission shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed, <u>along with, where possible and justified, non-confidential documents or other forms of information on which the decision is based.</u>	1. The Commission shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.	
Article 64(2)				
658	2. The publication shall have regard to the rights and legitimate interests of the very large online platform concerned, any other person referred	2. The publication shall have regard to the rights and legitimate interests of the very large online platform concerned, any other person referred	2. The publication shall have regard to the rights and legitimate interests of the provider of the very large online platform or of the very large	

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	to in Article 52(1) and any third parties in the protection of their confidential information.	to in Article 52(1) and any third parties in the protection of their confidential information.	online search engine concerned, any other person referred to in Article 52(1) and any third parties in the protection of their confidential information.	
Article 64a				
658a			Article 64a Review by the Court of Justice of the European Union	
Article 64a, first paragraph				
658b			In accordance with Article 261 of the Treaty on the Functioning of the European Union, the Court of Justice of the European Union has unlimited jurisdiction to review decisions by which the Commission has imposed fines or periodic penalty payments. It may cancel, reduce or increase the fine or periodic penalty payment imposed.	
Article 65				
659	Article 65 Requests for access restrictions and cooperation with national courts	Article 65 Requests for access restrictions and cooperation with national courts	Article 65 Requests for access restrictions and cooperation with national courts	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
Article 65(1), introductory part				
660	1. Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the Commission may request the Digital Services Coordinator of establishment of the very large online platform concerned to act pursuant to Article 41(3).	1. Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the Commission may request the Digital Services Coordinator of establishment of the very large online platform concerned to act pursuant to Article 41(3).	1. Where all powers pursuant to this Article Section to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the Commission may request the Digital Services Coordinator of establishment of the provider of the very large online platform or of the very large online search engine concerned to act pursuant to Article 41(3).	
Article 65(1), first paragraph				
661	Prior to making such request to the Digital Services Coordinator, the Commission shall invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures it intends to request and identifying the intended addressee or addressees thereof.	Prior to making such request to the Digital Services Coordinator, the Commission shall invite interested parties to submit written observations within a time period that shall not be less than two weeks , 14 working days describing the measures it intends to request and identifying the intended addressee or addressees thereof.	Prior to making such request to the Digital Services Coordinator, the Commission shall invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures it intends to request and identifying the intended addressee or addressees thereof.	
Article 65(2), introductory part				
662				

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	2. Where the coherent application of this Regulation so requires, the Commission, acting on its own initiative, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also make oral observations.	2. Where the coherent application of this Regulation so requires, the Commission, acting on its own initiative, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also make oral observations.	2. Where the coherent application of this Regulation so requires, the Commission, acting on its own initiative, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also make oral observations.	
Article 65(2), first paragraph				
663	For the purpose of the preparation of its observations only, the Commission may request that judicial authority to transmit or ensure the transmission to it of any documents necessary for the assessment of the case.	For the purpose of the preparation of its observations only, the Commission may request that judicial authority to transmit or ensure the transmission to it of any documents necessary for the assessment of the case.	For the purpose of the preparation of its observations only, the Commission may request that judicial authority to transmit or ensure the transmission to it of any documents necessary for the assessment of the case.	
Article 65(3)				
663a			3. When national courts rule on a matter which is already a subject of a Commission decision, they shall not take decisions running counter to a decision adopted by the Commission under this Regulation. They shall also avoid giving decisions which would conflict with a decision contemplated by the Commission in proceedings it has initiated	

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			under this Regulation. To that effect, the national court may assess whether it is necessary to stay its proceedings. This is without prejudice to Article 267 of the Treaty.	
Article 66				
664	Article 66 Implementing acts relating to Commission intervention	Article 66 Implementing acts relating to Commission intervention	Article 66 Implementing acts relating to Commission intervention	
Article 66(1), introductory part				
665	1. In relation to the Commission intervention covered by this Section, the Commission may adopt implementing acts concerning the practical arrangements for:	1. In relation to the Commission intervention covered by this Section, the Commission may adopt implementing acts concerning the practical arrangements for:	1. In relation to the Commission intervention covered by this Section, the Commission may adopt implementing acts concerning the practical arrangements for:	
Article 66(1), point (a)				
666	(a) the proceedings pursuant to Articles 54 and 57;	(a) the proceedings pursuant to Articles 54 and 57;	(a) the proceedings pursuant to Articles 54 and 57;	
Article 66(1), point (b)				
667	(b) the hearings provided for in Article 63;	(b) the hearings provided for in Article 63;	(b) the hearings provided for in Article 63;	

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Article 66(1), point (c)				
668	(c) the negotiated disclosure of information provided for in Article 63.	(c) the negotiated disclosure of information provided for in Article 63.	(c) the negotiated disclosure of information provided for in Article 63.	
Article 66(1), point (ca)				
668a		<u>(ca) the development and implementation of standards provided for in Article 34.</u>		
Article 66(2)				
669	2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which shall not be less than one month.	2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which shall not be less than one month.	2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which shall not be less than one month.	
Section 4				
670	Section 4 Common provisions on enforcement	Section 4 Common provisions on enforcement	Section 4 Common provisions on enforcement	
Article 66a				

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670a			Article 66a Professional secrecy [moved from Article 63(6)]	
Article 66a, first paragraph				
670b			Without prejudice to the exchange and to the use of information referred to in this Chapter, the Commission, the Board, Member States' competent authorities and their respective officials, servants and other persons working under their supervision, and any other natural or legal person involved, including auditors and experts appointed pursuant to Article 57(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy.	
Article 67				
671	Article 67 Information sharing system	Article 67 Information sharing system	Article 67 Information sharing system	
Article 67(1)				
672				

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	1. The Commission shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, the Commission and the Board.	1. The Commission shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, the Commission and the Board.	1. The Commission shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, the Commission and the Board. Other competent authorities may be granted access to this system, where appropriate for carrying out the tasks conferred to them in accordance with this Regulation.	
Article 67(2)				
673	2. The Digital Services Coordinators, the Commission and the Board shall use the information sharing system for all communications pursuant to this Regulation.	2. The Digital Services Coordinators, the Commission and the Board shall use the information sharing system for all communications pursuant to this Regulation.	2. The Digital Services Coordinators, the Commission and the Board shall use the information sharing system for all communications pursuant to this Regulation.	
Article 67(3)				
674	3. The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information sharing system and its interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.	3. The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information sharing system and its interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.	3. The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information sharing system and its interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.	

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Article 68				
675	Article 68 Representation	Article 68 Representation	Article 68 Representation	
Article 68, first paragraph, introductory part				
676	Without prejudice to Directive 2020/XX/EU of the European Parliament and of the Council ¹ , recipients of intermediary services shall have the right to mandate a body, organisation or association to exercise the rights referred to in Articles 17, 18 and 19 on their behalf, provided the body, organisation or association meets all of the following conditions: 1. [Reference]	Without prejudice to Directive 2020/XX/EU (EU) 2020/1818 of the European Parliament and of the Council ¹ , recipients of intermediary services shall have the right to mandate a <u>a, or a</u> body, organisation or association to exercise the rights referred to in Articles <u>8, 12, 13, 14, 15, 17, 18, 19, 43 and 43a</u> 17, 18 and 19 on their behalf, provided the body, organisation or association meets all of the following conditions: 1. [Reference]	Without prejudice to Directive 2020/XX/EU of the European Parliament and of the Council ¹ 2020/1828/EU or to any other type of representation under national law , recipients of intermediary services shall at least have the right to mandate a body, organisation or association to exercise the rights referred to in Articles 17, 18 and 19 conferred by this Regulation on their behalf, provided the body, organisation or association meets all of the following conditions: 1. [Reference]	
Article 68, first paragraph, point (a)				
677	(a) it operates on a not-for-profit basis;	(a) it operates on a not-for-profit basis;	(a) it operates on a not-for-profit basis;	
Article 68, first paragraph, point (b)				

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678	(b) it has been properly constituted in accordance with the law of a Member State;	(b) it has been properly constituted in accordance with the law of a Member State;	(b) it has been properly constituted in accordance with the law of a Member State;	
Article 68, first paragraph, point (c)				
679	(c) its statutory objectives include a legitimate interest in ensuring that this Regulation is complied with.	(c) its statutory objectives include a legitimate interest in ensuring that this Regulation is complied with.	(c) its statutory objectives include a legitimate interest in ensuring that this Regulation is complied with.	
Section 5				
680	Section 5 Delegated acts	Section 5 Delegated acts	Section 5 Delegated acts	
Article 69				
681	Article 69 Exercise of the delegation	Article 69 Exercise of the delegation	Article 69 Exercise of the delegation	
Article 69(1)				
682	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 69(2)				
683	2. The delegation of power referred	2. The delegation of power referred	2. The delegation of power referred	

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	to in Articles 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].	to in Articles 13a , 16 , 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time five years starting from [date of expected adoption of the Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	to in Articles 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].	
Article 69(3)				
684	3. The delegation of power referred to in Articles 23, 25 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 13a , 16 , 23 , 25 , 23 , 25 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 23, 25 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
Article 69(4)				
685	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 69(5)				
686	5. A delegated act adopted pursuant to Articles 23, 25 and 31 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	5. A delegated act adopted pursuant to Articles <u>13a, 16, 23, 25, 23, 25</u> and 31 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three <u>four</u> months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	5. A delegated act adopted pursuant to Articles 23, 25 and 31 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	
Article 70				
687	Article 70 Committee	Article 70 Committee	Article 70 Committee	
Article 70(1)				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
688	1. The Commission shall be assisted by the Digital Services Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the ^a Digital Services Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by the Digital Services Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.	
Article 70(2)				
689	2. Where reference is made to this Article, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this Article, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this Article, Article 4 of Regulation (EU) No 182/2011 shall apply.	
Chapter V				
690	Chapter V Final provisions	Chapter V Final provisions	Chapter V Final provisions	
Article 71				
691	Article 71 Deletion of certain provisions of Directive 2000/31/EC	Article 71 Deletion of certain provisions of Directive 2000/31/EC	Article 71 Deletion of certain provisions of Amendment to Directive 2000/31/EC	
Article 71(1)				
692	1. Articles 12 to 15 of Directive 2000/31/EC shall be deleted.	1. Articles 12 to 15 of Directive 2000/31/EC shall be deleted.	1. Articles 12 to 15 of Directive 2000/31/EC shall be ^{are} deleted.	
Article 71(2)				

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693	2. References to Articles 12 to 15 of Directive 2000/31/EC shall be construed as references to Articles 3, 4, 5 and 7 of this Regulation, respectively.	2. References to Articles 12 to 15 of Directive 2000/31/EC shall be construed as references to Articles 3, 4, 5 and 7 of this Regulation, respectively.	2. References to Articles 12 to 15 of Directive 2000/31/EC shall be construed as references to Articles 3, 4, 5 and 7 of this Regulation, respectively.	
Article 72				
694	Article 72 Amendments to Directive 2020/XX/EC on Representative Actions for the Protection of the Collective Interests of Consumers	Article 72 Amendments to Directive 2020/XX/EC on Representative Actions for the Protection of the Collective Interests of Consumers	Article 72 Amendments Amendment to Directive 2020/XX/EC on Representative Actions for the Protection of the Collective Interests of Consumers (EU) 2020/1828	
Article 72(1), introductory part				
695	1. The following is added to Annex I:	1. The following is added to Annex I:	1. In Annex I to Directive (EU) 2020/1828, the following point is added to Annex I:	
Article 72(1), amending provision, first paragraph				
696	“(X) Regulation of the European Parliament and of the Council on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC”	“(X) Regulation of the European Parliament and of the Council on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC”	“(X) (67) Regulation (EU) ... /... of the European Parliament and of the Council of ... on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC (OJ L ..., ...) ¹ .”	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
			1. * OJ: Please insert in the text the number, date and OJ reference of this Regulation.	
Article 73				
697	Article 73 Evaluation	Article 73 Evaluation	Article 73 Evaluation	
Article 73(1)				
698	1. By five years after the entry into force of this Regulation at the latest, and every five years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.	1. By five <i>three</i> years after the entry into force of this Regulation at the latest, and every five <i>three</i> years thereafter, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee. <u><i>This report shall address in particular:</i></u> <u><i>(a) the application of Article 25, including with respect to the number of average monthly active recipients of the service;</i></u> <u><i>(b) the application of Article 11;</i></u> <u><i>(c) the application of Article 14,</i></u> <u><i>(d) the application of Articles 35 and 36.</i></u>	1. By ... [five years after the date of entry into force of this Regulation at the latest], and every five years thereafter, the Commission shall evaluate this Regulation, and in particular the scope of the obligations on small and micro enterprises, the effectiveness of the supervision and enforcement mechanisms, the impact on respect for the right to freedom of expression and information , and report to the European Parliament, the Council and the European Economic and Social Committee. On the basis of the findings, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation.	
Article 73(1a)				

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698a		<u><i>1a. Where appropriate, the report referred to in paragraph 1 shall be accompanied by a proposal for amendment of this Regulation.</i></u>		
Article 73(2)				
699	2. For the purpose of paragraph 1, Member States and the Board shall send information on the request of the Commission.	2. For the purpose of paragraph 1, Member States and the Board shall send information on the request of the Commission.	2. For the purpose of paragraph 1, Member States and the Board shall send information on the request of the Commission.	
Article 73(3)				
700	3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account the positions and findings of the European Parliament, the Council, and other relevant bodies or sources.	3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account the positions and findings of the European Parliament, the Council, and other relevant bodies or sources, <u><i>and pay specific attention to small and medium-sized enterprises and the position of new competitors.</i></u>	3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account the positions and findings of the European Parliament, the Council, and other relevant bodies or sources.	
Article 73(4)				
701	4. By three years from the date of application of this Regulation at the latest, the Commission, after consulting the Board, shall carry out an assessment of the functioning of	4. By three years from the date of application of this Regulation at the latest, the Commission, after consulting the Board, shall carry out an assessment of the functioning of	4. By three years from the date of application of this Regulation at the latest, the Commission, after consulting the Board, shall carry out an assessment of the functioning of	

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
	the Board and shall report it to the European Parliament, the Council and the European Economic and Social Committee, taking into account the first years of application of the Regulation. On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation with regard to the structure of the Board.	the Board and shall report it to the European Parliament, the Council and the European Economic and Social Committee, taking into account the first years of application of the Regulation. On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation with regard to the structure of the Board.	the Board and shall report it to the European Parliament, the Council and the European Economic and Social Committee, taking into account the first years of application of the Regulation. On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation with regard to the structure of the Board.	
Article 74				
702	Article 74 Entry into force and application	Article 74 Entry into force and application	Article 74 Entry into force and application	
Article 74(1)				
703	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 74(2), introductory part				
704	2. It shall apply from [date - three months after its entry into force].	2. It shall apply from [date - three <u>six</u> months after its entry into force].	2. It shall apply from [date - three...] [eighteen months after its the date of entry into force of this Regulation].	
Article 74(3)				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
704a			3. Article 23(2) shall apply from ... [twelve months after the date of entry into force of this Regulation].	
Article 74(2), first paragraph				
705	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				
706	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
707	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
708	The President	The President	The President	
Formula				
709	For the Council	For the Council	For the Council	
Formula				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Draft Agreement
710	The President	The President	The President	