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AMENDMENTS: 22

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Digital Services Act: Improving the functioning of the Single Market

Motion for a resolution PE648.474 - 2020/2018(INL)

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Amendment 1
Marcel Kolaja

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Calls on the Commission to require service providers to **verify** the information and identity of the business partners with whom they have a contractual commercial relationship, **and to ensure** that the **information they provide is accurate and up-to-date**;

Amendment

14. Calls on the Commission to require service providers to **require** the information and identity of the business partners with whom they have a contractual commercial relationship, **as defined in 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 ('P2B Regulation'), while preserving consumers' anonymity; reminds** that the **verification of the identity of individual users would place extensive administrative burden on EU start-ups and SMEs competing on a global market**;

Or. en

Amendment 2
Marcel Kolaja

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Calls on the Commission to introduce enforceable obligations on **internet** service providers aimed at increasing transparency and information; considers that these obligations should be enforced by appropriate, effective and dissuasive penalties;

Amendment

15. Calls on the Commission to introduce enforceable obligations on **hosting** service providers aimed at increasing transparency and information; considers that these obligations should be enforced by appropriate, effective and dissuasive penalties;

Or. en

Amendment 3
Marcel Kolaja

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Believes that while AI-driven services, currently governed by the E-commerce Directive, have enormous potential to deliver benefits to consumers and service providers, ***the new Digital Services Act*** should ***also*** address the challenges they present in terms of ensuring non-discrimination, transparency and explainability of algorithms, as well as liability; points out the need to monitor algorithms and to assess associated risks, to use high quality and unbiased datasets, as well as to help individuals acquire access to diverse content, opinions, high quality products and services;

Amendment

17. Believes that while AI-driven services, currently governed by the E-commerce Directive, have enormous potential to deliver benefits to consumers and service providers, ***future legislation on artificial intelligence*** should address the challenges they present in terms of ensuring non-discrimination, transparency and explainability of algorithms, as well as liability; points out the need to monitor algorithms and to assess associated risks, to use high quality and unbiased datasets, as well as to help individuals acquire access to diverse content, opinions, high quality products and services;

Or. en

Amendment 4
Marcel Kolaja

Motion for a resolution
Paragraph 23

Motion for a resolution

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;

Amendment

23. Stresses that maintaining safeguards from the legal liability regime for hosting intermediaries with regard to user-uploaded content and the general monitoring prohibition set out in Article 15 of the E-Commerce Directive are still relevant and need to be preserved;
Reminds that in line with Directive (EU) 2018/1808 (AVMS Directive) ex-ante control measures do not comply with article 15 of the Directive 2000/31/EC; Underlines therefore that the future Digital Services Act shall prohibit

imposing on hosting service providers or other intermediary services mandatory automated technologies to control content;

Or. en

Amendment 5
Marcel Kolaja

Motion for a resolution
Annex I – part II – paragraph 7

Motion for a resolution

The Digital Services Act should apply without prejudice to the rules set out in other instruments, such as the General Data Protection Regulation² (“GDPR”), ***the Copyright Directive***³ and the Audio Visual Media Services Directive⁴ .

² 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).

³ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

⁴ 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) (OJ L 95, 15.4.2010, p. 1).

Amendment

The Digital Services Act should apply without prejudice to the rules set out in other instruments, such as the General Data Protection Regulation² (“GDPR”), and the Audio Visual Media Services Directive⁴ .

² 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).

³ Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92).

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Amendment 6
Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 1 – indent 1

Motion for a resolution

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced; services providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when the identity of their business customer is false, misleading or otherwise invalid;

Amendment

- the information requirements in Article 5 of the E-Commerce Directive should be reinforced and the “Know Your Business Customer” principle should be introduced ***for business users of online market places***; services providers should verify the identity of their business partners, including their company registration number or any equivalent means of identification including, if necessary, the verified national identity of their ultimate beneficial owner; that information should be accurate and up-to-date, and service providers should not be allowed to provide their services when ***they are notified that*** the identity of their business customer is false, misleading or otherwise invalid;

Or. en

Amendment 7
Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 2

Motion for a resolution

- explicitly mentioning in the contract terms and general conditions what is to be understood as illegal content according to the Union or national law ***applicable to the service(s) being provided***;

Amendment

- explicitly mentioning in the contract terms and general conditions what is to be understood as illegal content according to the Union or national law

Or. en

Amendment 8
Marcel Kolaja

Motion for a resolution
Annex I – part IV – paragraph 1 – subheading 4

Motion for a resolution

Amendment

4. Artificial Intelligence and machine learning *deleted*

Or. en

Amendment 9
Marcel Kolaja

Motion for a resolution
Annex I – part IV – paragraph 1 – subparagraph 3

Motion for a resolution

Amendment

The revised provisions should: *deleted*

- *establish comprehensive rules on non-discrimination, transparency, oversight and risk assessment of algorithms for AI-driven services in order to ensure a higher level of consumer protection;*
- *establish clear accountability, liability and redress mechanisms to deal with potential harms resulting from the use of AI applications and machine learning tools;*
- *establish the principle of safety and security by default;*

Or. en

Amendment 10
Marcel Kolaja

Motion for a resolution
Annex I – part IV – paragraph 1 – subparagraph 3 – indent 1

Motion for a resolution

Amendment

- *establish comprehensive rules on non-discrimination, transparency, oversight and risk assessment of algorithms for AI-driven services in order to ensure a higher level of consumer protection;* *deleted*

Or. en

Amendment 11

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 3 – indent 2

Motion for a resolution

Amendment

- *establish clear accountability, liability and redress mechanisms to deal with potential harms resulting from the use of AI applications and machine learning tools;* *deleted*

Or. en

Amendment 12

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 3 – indent 3

Motion for a resolution

Amendment

- *establish the principle of safety and security by default;* *deleted*

Or. en

Amendment 13

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 1 – indent 1

Motion for a resolution

- clarify that any removal or disabling access to illegal content should not affect the fundamental rights and the legitimate interests of users and consumers;

Amendment

- clarify that any removal or disabling access to illegal content should not affect the fundamental rights and the legitimate interests of users and consumers ***and that legal content should stay online***;

Or. en

Amendment 14
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 1 – indent 3

Motion for a resolution

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating ***legal*** content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Amendment

- preserve the underlying legal principle that online intermediaries should not be held directly liable for the acts of their users and that online intermediaries can continue moderating ***illegal*** content under fair and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Or. en

Amendment 15
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 1 – indent 4

Motion for a resolution

- introduce new transparency and independent oversight of the content moderation procedures and tools related to the removal of illegal content online; such systems and procedures should be available for auditing and testing by independent authorities.

Amendment

- introduce new transparency and independent oversight of the content moderation procedures and ***voluntary*** tools related to the removal of illegal content online; such systems and procedures should be available for auditing and testing by independent authorities.

Amendment 16
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 2 – indent 5

Motion for a resolution

- clarify, in an intelligible way, existing concepts and processes such as “expeditious action”, “actual knowledge and awareness”, “targeted actions”, “notices' formats”, and “validity of notices”;

Amendment

- clarify, in an intelligible way, existing concepts and processes such as “expeditious action” ***which shouldn't result in extreme timeframes such as one hour removal time that is unfeasible especially for smaller intermediaries***, “actual knowledge and awareness”, “targeted actions”, “notices' formats”, and “validity of notices”;

Or. en

Amendment 17
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 2 – indent 8

Motion for a resolution

- allow for the submission of anonymous ***complaints***;

Amendment

- allow for the submission of anonymous ***notices for certain manifestly illegal content as that can help increasing the removal of illegal content*** ;

Or. en

Amendment 18
Marcel Kolaja

Motion for a resolution
Annex I – part V – paragraph 2 – indent 11

Motion for a resolution

- create an obligation for the online

Amendment

- create an obligation for the online

intermediaries to *verify the notified content and* reply to the notice provider and the content uploader with a reasoned decision;

intermediaries to reply to the notice provider and the content uploader with a reasoned decision, *such a requirement to reply should include the reasoning behind the decision, how the decision was made, if the decision was made by a human or an automated decision agent and information about the possibility to appeal this decision by either party with the intermediary, courts or other entities; ;*

Or. en

Amendment 19 **Marcel Kolaja**

Motion for a resolution **Annex I – part V – paragraph 2 – indent 12**

Motion for a resolution

- provide remedies to contest the decision via a counter-notice, including if the content has been removed via automated solutions, unless such a counter-notice would conflict with an ongoing investigation by law enforcement authorities.

Amendment

- provide remedies to contest the decision via a counter-notice, including if the content has been removed via *voluntary* automated solutions, unless such a counter-notice would conflict with an ongoing investigation by law enforcement authorities.

Or. en

Amendment 20 **Marcel Kolaja**

Motion for a resolution **Annex I – part VI – paragraph 2 – indent 7**

Motion for a resolution

- *address the liability for the online marketplaces when platforms have predominant influence over suppliers and essential elements of the economic transactions such as payment means, prices, default terms conditions, or conduct aimed at facilitating the sale of goods to a consumer on the European*

Amendment

deleted

market, and there is no manufacturer, importer, or distributor established in the Union that can be held liable;

Or. en

Amendment 21

Marcel Kolaja

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 8

Motion for a resolution

Amendment

- *address the liability for online marketplaces if the online marketplace has not informed the consumer that a third party is the actual supplier of the goods or services, thus making the marketplace contractually liable vis-à-vis the consumer; liability should also be considered in case the marketplace provides misleading information, guarantees, or statements;*

deleted

Or. en

Amendment 22

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

Amendment

- impose high levels of interoperability measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open standards

- impose high levels of interoperability **and interconnectivity** measures requiring “systemic platforms” to share appropriate tools, data, expertise, and resources deployed in order to limit the risks of users and consumers’ lock-in and the artificially binding users to one systemic platform with no possibility or incentives for switching between digital platforms or internet ecosystems. As part of those measures, the Commission should explore different technologies and open

and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it.

standards and protocols, including the possibility of a mechanical interface (Application Programming Interface) that allows users of competing platforms to dock on to the systemic platform and exchange information with it.

Or. en