



12/05/2020

AMENDMENTS: 112

Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

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Committee on the Internal Market and Consumer Protection

12/05/2020

Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 1

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Recital E a (new)

Motion for a resolution

Amendment

E a. whereas content hosting intermediaries often take voluntary decisions regarding the legality of content and employ automated content recognition tools which raises concerns as regards the rule of law and the right to an effective remedy, in contravention of Article 52.1 of the European Charter of Fundamental Rights, stating that any limitation on the exercise of the rights and freedoms must be provided for by law;

Or. en

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Amendment 2

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Recital E b (new)

Motion for a resolution

Amendment

E b. whereas automated content recognition tools replicate, reinforce and prolong pre-existing biases, discrimination, errors and assumptions about individuals or demographic groups on the basis of gender, race, religion, political opinion or social origin.

Or. en

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Amendment 3

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Recital E c (new)

Motion for a resolution

Amendment

E c. whereas internal rules, such as terms and conditions or community guidelines, of systemic operators are determined unilaterally, whereby users often cannot access the platform of the operator without accepting its internal rules and have to waive all rights and remedies towards the operator;

Or. en

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Amendment 4

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Recital E d (new)

Motion for a resolution

Amendment

E d. whereas profiling coupled with targeted advertisements not only undermines the democratic society, but also leads to an unfair competitive advantage for dominant private actors collecting large amounts of data;

Or. en

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Amendment 5

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Recital E e (new)

Motion for a resolution

Amendment

E e. whereas the choice of algorithmic tools for recommendation systems raises accountability and transparency concerns; therefore stresses the need to guarantee the possibility of users to choose whether they want recommendations and personalisation by opting in to such services;

Or. en

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Amendment 6

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Recognises the importance of the legal framework set out by the E-Commerce Directive in the development of online services in the Union and in particular its internal market clause, through which home country control and the obligation on Member States to ensure the free movement of information society services have been established;

Amendment

2. Recognises the importance of the legal framework set out by the E-Commerce Directive in the development of online services in the Union and in particular its internal market clause, through which home country control and the obligation on Member States to ensure the free movement of information society services have been established; ***calls however on an update of the territorial scope to include information society services not established in the Union, where their activities are related to: (a) the offering of goods or services, irrespective of whether a payment is required, to consumers or users in the Union; or (b) the monitoring of their behaviour as far as their behaviour takes place within the Union.***

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Amendment 7

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Considers that the main principles of the E-Commerce Directive, such as the internal market clause, freedom of establishment and the prohibition on imposing a general monitoring obligation should be maintained; underlines that the principle of “what is illegal offline is also illegal online”, as well as the principles of consumer protection and user safety, should also become guiding principles of the future regulatory framework;

Amendment

3. Considers that the main principles of the E-Commerce Directive, such as the internal market clause, freedom of establishment and the prohibition on imposing a general monitoring obligation should be maintained; underlines that the principle of “what is illegal offline is also illegal online”, ***the rights and freedoms guaranteed under the Charter of Fundamental Rights*** as well as the principles of consumer protection and user safety, should also become guiding principles of the future regulatory framework;

Or. en

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Amendment 8

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Takes the view that a level playing field in the internal market between the platform economy and the "traditional" offline economy, ***based on the same rights and obligations for all interested parties - consumers and businesses*** - is needed; considers that social protection and social rights of workers, especially of platform or collaborative economy workers should be properly addressed in a specific instrument, accompanying the future regulatory framework;

Amendment

5. Takes the view that a level playing field in the internal market between the platform economy and the "traditional" offline economy is needed; considers that social protection and social rights of workers, especially of platform or collaborative economy workers should be properly addressed in a specific instrument, accompanying the future regulatory framework; ***Asks the Commission to introduce further information obligation for collaborative economy platforms in line with data protection rules, as it is essential for local authorities in order to ensure the availability of affordable housing;***

Or. en

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Amendment 9

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Considers that the Digital Services Act should be based on public values of the Union protecting citizens' rights should aim to foster the creation of a rich and diverse online ecosystem with a wide range of online services, *favourable* digital environment and legal certainty to unlock the full potential of the Digital Single Market;

Amendment

6. Considers that the Digital Services Act should be based on public values of the Union protecting citizens' rights *and* should aim to foster the creation of a rich and diverse online ecosystem with a wide range of online services, *a competitive* digital environment and legal certainty to unlock the full potential of the Digital Single Market;

Or. en

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Amendment 10

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Notes that ***information society services providers, and in particular online platforms and*** social networking sites - because of their wide-reaching ability to reach and influence broader audiences, behaviour, opinions, and practices - ***bear significant social responsibility in terms of*** protecting users and society at large ***and preventing their services from being exploited abusively.***

Amendment

8. Notes that social networking sites - because of their wide-reaching ability to reach and influence broader audiences, behaviour, opinions, and practices ***should comply with Union law to*** protecting users and society at large;

Or. en

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Amendment 11

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Recalls that recent scandals regarding data harvesting and selling, Cambridge Analytica, *fake news*, *political* advertising *and* manipulation and a host of other online *harms (from hate speech to the broadcast of terrorism)* have shown the need to revisit the existing rules and reinforce fundamental rights;

Amendment

9. Recalls that recent scandals regarding data harvesting and selling, Cambridge Analytica, *disinformation*, *targeted* advertising, *voter* manipulation and a host of other online have shown the need to revisit the existing rules and reinforce fundamental rights;

Or. en

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Amendment 12

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Stresses that the Digital Services Act should ***achieve the right balance between the*** internal market freedoms and the fundamental rights and principles set out in the Charter of Fundamental Rights of the European Union;

Amendment

10. Stresses that the Digital Services Act should ***guarantee both*** internal market freedoms and the fundamental rights, ***freedoms*** and principles set out in the Charter of Fundamental Rights of the European Union;

Or. en

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Amendment 13

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 10 a (new)

Motion for a resolution

Amendment

10 a. Calls on the Commission to introduce minimum standards for contract terms and general conditions of content hosting providers and providers of content moderation tools to provide for safeguards for fundamental rights, in particular with regard to transparency, accessibility, fairness, predictability and non-discriminatory enforcement;

Or. en

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*Committee on the Internal Market and Consumer Protection*Or. en

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Amendment 15

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 14 a (new)

Motion for a resolution

Amendment

14 a. Underlines the rights of users under the GDPR, as well as the right to internet anonymity or being an unidentified user; Warns that ignoring the wishes of internet users to not disclose their identity might put certain groups in disadvantageous situations, including the work of independent media, or deprive vulnerable groups from adequate protection and security online;

Or. en

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*Committee on the Internal Market and Consumer Protection*Or. en

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Amendment 17

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 15 a (new)

Motion for a resolution

Amendment

15 a. Calls on the Commission to introduce transparency and accountability requirements regarding automated decision-making processes of content hosting providers and providers of automated content recognition tools, including the public documentation of, at least, the existence and the functioning of content recognition technologies;

Or. en

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Amendment 18

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 15 b (new)

Motion for a resolution

Amendment

15 b. Welcomes efforts to bring transparency to content removal; in order to verify compliance with the rules, underlines that the requirement to publish periodic transparency reports should be mandatory and include, at least, the number of notices, type of entities notifying content, nature of the content subject of complaint, response time by the intermediary, the number of appeals;

Or. en

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Amendment 19

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 15 c (new)

Motion for a resolution

Amendment

15 c. In order to verify such transparency reports and compliance with legal obligations, and in line with the Council of Europe, Recommendation CM/Rec(2018)2, Member States should make available, publicly and in a regular manner, comprehensive information on the number, nature and legal basis of requests sent to intermediaries to restrict content or to disclose personal data, including those based on international mutual legal assistance treaties, and on steps taken as a result of those requests;

Or. en

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Amendment 20

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Stresses that existing obligations, set out in the E-Commerce Directive and the Directive 2005/29/EC of the European Parliament and of the Council ('Unfair Commercial Practices Directive')³ on transparency of commercial communications and digital advertising should be strengthened; points out that pressing consumer protection concerns about profiling, targeting and personalised pricing cannot be addressed by transparency obligations and left to consumer choice alone;

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

Amendment

16. Stresses that existing obligations, set out in the E-Commerce Directive and the Directive 2005/29/EC of the European Parliament and of the Council ('Unfair Commercial Practices Directive')³ on transparency of commercial communications and digital advertising should be strengthened; points out that pressing consumer protection concerns about profiling, targeting and personalised pricing **and recommendations** cannot **only** be addressed by transparency obligations and left to consumer choice alone;

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 (OJ L 149, 11.6.2005, p. 22).

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 (OJ L 149, 11.6.2005, p. 22).

Or. en

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

Amendment 21

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Calls for transparency obligations for recommendation systems of content hosting providers including the public documentation of recommendation outputs and their audiences, content-specific ranking decisions and other interventions by the platform, the criteria and the reasoning behind those decisions as well as the organisational structures that control such systems which should take the form of real-time, high-level, anonymised data access through public API;

Or. en

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Amendment 22

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Subheading 4

Motion for a resolution

Amendment

Artificial intelligence (AI)

*Content moderation, prioritisation and
personalisation*

Or. en

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*Committee on the Internal Market and Consumer Protection*Or. en

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

Amendment 24

Alexandra Geese

on behalf of the Greens/EFA Group

Alex Agius Saliba, Marcel Kolaja

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Considers that consumers should be properly informed and their rights should be effectively guaranteed when they interact with automated decision-making systems and other *innovative* digital services or applications; believes that it should be possible for consumers to request checks and corrections of *possible mistakes resulting from* automated decisions, as well as to seek redress for any damage related to the use of automated decision-making systems;

Amendment

18. Considers that consumers should be properly informed *in a timely, impartial, easily-readable, standardised and accessible manner* and their rights should be effectively guaranteed when they interact with automated decision-making systems, *in particular as regards the right to an effective remedy*, and other digital services or applications; believes that it should be possible for consumers to *meaningfully contest*, request checks and corrections of automated decisions, as well as to seek redress for any damage related to the use of automated decision-making systems;

Or. en

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Digital Services Act: Improving the functioning of the Single Market

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

Amendment 25

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Subheading 5

Motion for a resolution

Tackling Illegal *Content* Online

Amendment

Tackling Illegal *Activities* Online

Or. en

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

Amendment 26

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Stresses that the existence and spread of illegal **content** online is a severe threat that undermines citizens' trust and confidence in the digital environment, and which also harms the economic development of healthy platform ecosystems in the Digital Single Market and severely hampers the development of legitimate markets for digital services;

Amendment

19. Stresses that the existence and spread of illegal **activities** online is a severe threat that undermines citizens' trust and confidence in the digital environment, and which also harms the economic development of healthy platform ecosystems in the Digital Single Market and severely hampers the development of legitimate markets for digital services;

Or. en

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Amendment 27

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 20

Motion for a resolution

20. Notes that there is no ‘one size fits all’ solution to all types of illegal **and harmful content and cases of misinformation online**; believes, however, that a more aligned approach at Union level, taking into account the different types of **content**, will make the fight against illegal content more effective;

Amendment

20. Notes that there is no ‘one size fits all’ solution to all types of illegal **activities**; believes, however, that a more aligned approach at Union level, taking into account the different types of **activities**, will make the fight against illegal content more effective;

Or. en

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Alex Agius Saliba

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Amendment 28

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 20 a (new)

Motion for a resolution

Amendment

20 a. *Underlines that illegal content should be removed where it is hosted, and that access providers shall not be required to block access to content;*

Or. en

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Amendment 29

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 21

Motion for a resolution

21. Considers that voluntary actions and self-regulation by online platforms across Europe have ***brought some benefits, but additional measures are*** needed in order to ensure the swift ***detection*** and removal of illegal content online;

Amendment

21. Considers that voluntary actions and self-regulation by online platforms across Europe have ***led to the removal of content without a clear legal basis and are in contravention of Article 52 of the Charter hence a clear legal framework is*** needed in order to ensure the swift ***notification*** and removal of illegal content online;

Or. en

EUROPEAN PARLIAMENT

*Committee on the Internal Market and Consumer Protection*Or. en

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Amendment 31

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 23 a (new)

Motion for a resolution

Amendment

23 a. *Asks the Commission to improve consumer rights in the future regulation, by introducing safeguards to prevent violations, which is missing from Directive 2000/31/EC; notes that this should include as a minimum internal and external dispute mechanism, and the clearly stated possibility of judicial redress;*

Or. en

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Amendment 32

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 25 a (new)

Motion for a resolution

Amendment

25 a. Calls for the Digital Services Act to address issues related to online marketplaces; asks for the full implementation of Union product safety and chemicals legislation and calls for a review on the General Product Safety Directive and the Product Liability Directive; calls on Member States to devote sufficient capacities to improve the enforcement of EU product safety and chemicals legislation and for the Commission to provide adequate support in doing so;

Or. en

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Amendment 33

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 26 a (new)

Motion for a resolution

Amendment

26 a. *Stresses that consumers should be equally safe whether shopping online or in brick-and mortar shops; stresses that the Digital Services Act must set up clear obligations for online platforms and create an adapted regime for online marketplaces similar to brick-and mortar shops; calls on Member States to undertake more joined market surveillance actions and to step up collaboration with customs authorities to check the safety of products sold online before they reach consumers;*

Or. en

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Amendment 34

Alexandra Geese

on behalf of the Greens/EFA Group

Petra De Sutter, Marcel Kolaja

Motion for a resolution

Paragraph 26 b (new)

Motion for a resolution

Amendment

26 b. *Notes that the amount of free returns of goods sold online has been increasing over the years, leading to costs that create barriers for SMEs and start-ups, as well as considerable costs to the environment and society as a whole, which are currently not being reflected in any way to the consumer; considers that the environmental impact of delivery methods and packaging from recycled materials should also be taken into consideration by consumers when making purchases;*

Or. en

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Amendment 35

Alexandra Geese

on behalf of the Greens/EFA Group

Petra De Sutter, Marcel Kolaja

Motion for a resolution

Paragraph 26 c (new)

Motion for a resolution

Amendment

26 c. Acknowledging the importance of the right of withdrawal for online or off-premises purchases, calls upon the Commission to enable consumers to make better informed choices by enlarging the information available to them on the cost of the return of goods for the company, environment and society as a whole;

Or. en

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Amendment 36

Alexandra Geese

on behalf of the Greens/EFA Group

Karen Melchior

Motion for a resolution

Paragraph 28 a (new)

Motion for a resolution

Amendment

28 a. *Calls on the Commission to introduce an obligation for systemic platforms to unbundle hosting and content moderation activities thereby allowing third parties to offer content moderation or curation services to the platforms' users.*

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 37

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 28 b (new)

Motion for a resolution

Amendment

28 b. Underlines that interoperability between competing or complementary products and services is key in a free and competitive market to enable choice for users and innovative services, and allow them to easily communicate with users of other providers' services, thereby incentivising systemic platforms to improve their service quality.

Or. en

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

Amendment 38

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 28 c (new)

Motion for a resolution

Amendment

28 c. Calls on the Commission to introduce an obligation for systemic intermediaries with significant market power to make available and document tools to allow third-parties to interoperate with their main functionalities or act on an user's behalf, whereby intermediaries may not share, retain, monetize, or use any of the data they receive in the context of interoperability activities from third-parties, and intermediaries and third parties must protect users' privacy and must respect the GDPR and other relevant Union legislation.

Or. en

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Amendment 39

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 28 d (new)

Motion for a resolution

Amendment

28 d. Recommends that providers which support a single sign-on service with a dominant market share should be required to also support at least one open and federated identity system based on a non-proprietary framework;

Or. en

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Amendment 40

Alexandra Geese

on behalf of the Greens/EFA Group

Alex Agius Saliba, Marcel Kolaja

Motion for a resolution

Paragraph 30 a (new)

Motion for a resolution

Amendment

30 a. Underlines that part of the investigative powers of the authority should be the right to conduct audits; in this regard it is essential for the software documentation, the algorithms and data sets used to be fully accessible to the authority, while respecting EU law;

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 41

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 30 b (new)

Motion for a resolution

Amendment

30 b. Stresses that next to corrective powers, part of the enforcement powers of the authority should also be the right to issue fines of up to 30 000 000 EUR, or in the case of an undertaking, up to 5 % of the total worldwide annual turnover;

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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Amendment 42

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Paragraph 31

Motion for a resolution

31. Takes the view that the central regulatory authority should **prioritise** cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs);

Amendment

31. Takes the view that the central regulatory authority should **facilitate** cooperation between Member States to address complex cross-border issues by working in close cooperation with a network of independent National Enforcement Bodies (NEBs); **notes that the authority should be responsible in case of different decisions in more than one Member State, as well as at the request of the majority of the NEBs;**

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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Amendment 43

Alexandra Geese

on behalf of the Greens/EFA Group

Alex Agius Saliba, Marcel Kolaja

Motion for a resolution

Paragraph 31 a (new)

Motion for a resolution

Amendment

31 a. Calls for the board to facilitate the creation and maintenance of a European research repository that would combine data from multiple platforms to facilitate appeals processes and enable regulators, researchers and NGOs to review and analyse platform decisions;

Or. en

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Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 45

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part I – paragraph 1

Motion for a resolution

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services, while at the same time guaranteeing a high level of consumer protection, including the improvement of users' safety online;

Amendment

The Digital Services Act should contribute to the strengthening of the internal market by ensuring the free movement of digital services, while at the same time guaranteeing a high level of consumer protection, including the improvement of users' *users' rights, freedoms and* safety online;

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 46

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part I – paragraph 2

Motion for a resolution

The Digital Services Act should guarantee that online and offline economic activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal online”;

Amendment

The Digital Services Act should guarantee that online and offline economic activities are treated equally and on a level playing field which fully reflects the principle that “what is illegal offline is also illegal online” ***and that all rights and freedoms offline should also be guaranteed online;***

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 47

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part I – paragraph 4

Motion for a resolution

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination, dignity, fairness *and free speech*;

Amendment

The Digital Services Act should respect the broad framework of fundamental European rights of users and consumers, such as the protection of privacy, non-discrimination, dignity, fairness , *freedom of expression and the right to an effective remedy*;

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 48

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part I – paragraph 6 – indent 1 – subi. 2

Motion for a resolution

- clear and detailed procedures and measures related to the removal of illegal content online, including a harmonised legally-binding European notice-and action mechanism;

Amendment

- clear and detailed procedures and measures related to the removal of illegal content online, including a *differentiated*, harmonised legally-binding European notice-and action mechanism;

Or. en

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Alex Agius Saliba

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Amendment 49

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part II – paragraph 1

Motion for a resolution

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services, ***which are not covered by specific*** legislation;

Amendment

In the interest of legal certainty, the Digital Services Act should clarify which digital services fall within its scope. The new legal act should follow the horizontal nature of the E-Commerce Directive and apply not only to online platforms but to all digital services, ***complementing other*** legislation;

Or. en

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Alex Agius Saliba

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Amendment 50

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part II – paragraph 2

Motion for a resolution

The territorial scope of the future Digital Services Act should be extended to cover also the activities of ***companies and service providers*** established in third countries, ***when they offer*** services or goods to consumers or users in the Union;

Amendment

The territorial scope of the future Digital Services Act should be extended to cover also the activities of ***information society services*** established in third countries, ***where their activities are related to the offering of*** services or goods to consumers or users in the Union, ***irrespective of whether a payment is required, or the monitoring of their behaviour as far as their behaviour takes place within the Union;***

Or. en

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Alex Agius Saliba

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

Amendment 52

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part III – paragraph 1 – indent 1

Motion for a resolution

- clarify to what extent “**new** digital services”, such as social media networks, collaborative economy services, search engines, **wifi hotspots**, online advertising, cloud services, content delivery networks, **and domain name services** fall within the scope of the Digital Services Act;

Amendment

- clarify to what extent “digital services”, such as social media networks, collaborative economy services, search engines, online advertising, cloud services, **web hosting, messaging services and** content delivery networks fall within the scope of the Digital Services Act;

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 53

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part III – paragraph 1 – indent 4

Motion for a resolution

- clarify of what falls within the remit of the "illegal content" definition making it clear that *a* violation of EU rules on consumer protection, product safety or the offer or sale of food or tobacco products and counterfeit medicines, also falls within the definition of illegal content;

Amendment

- clarify of what falls within the remit of the "illegal content" definition making it clear that *this includes unlawful offers for sale in* violation of EU rules on consumer protection, product safety or the offer or sale of food or tobacco products and counterfeit medicines, also falls within the definition of illegal content;

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 54

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part III – paragraph 1 – indent 5

Motion for a resolution

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, etc.

Amendment

- define “systemic operator” by establishing a set of clear economic indicators that allow regulatory authorities to identify platforms with a “gatekeeper” role playing a systemic role in the online economy; such indicators could include considerations such as whether the undertaking is active to a significant extent on multi-sided markets, the size of its network (number of users), its financial strength, access to data, vertical integration, the importance of its activity for third parties’ access to supply and markets, ***whether the undertaking has a significant impact on the exercise of fundamental rights and freedoms as well as access to information in our society,*** etc.

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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Amendment 55

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – introductory part

Motion for a resolution

The Digital Services Act should introduce clear due diligence transparency and information obligations; those obligations should not create any derogations or new exemptions to the current liability regime **and the secondary liability** set out under Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

Amendment

The Digital Services Act should introduce clear due diligence transparency and information obligations **rather than a general duty of care**; those obligations should not create any derogations or new exemptions to the current liability regime set out under Articles 12, 13, and 14 of the E-Commerce Directive and should cover the aspects described below:

Or. en

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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Amendment 57

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

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

Motion for a resolution

- *that* measure should apply only to business-to-business relationships and should be without prejudice to the rights of *users* under the GDPR, as well as the right to *internet* anonymity or being an unidentified user; the new general information requirements should *review and* further enhance Articles 5 and 10 of the E-Commerce Directive in order to *align* those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by

Amendment

- *this* measure should apply only to business-to-business relationships and should be without prejudice to the rights of *data subjects* under the GDPR, as well as the right to *consumer* anonymity or being an unidentified user; the new general information requirements should further enhance Articles 5 and 10 of the E-Commerce Directive in order to *complement* those measures with the information requirements established in recently adopted legislation, in particular the Unfair Contract Terms Directive⁵, the Consumer Rights Directive and the Platform to Business Regulation.

⁵ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, most recently amended by

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 consumer protection rules (OJ L 328, 18.12.2019, p. 7).

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 consumer protection rules (OJ L 328, 18.12.2019, p. 7).

Or. en

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Alex Agius Saliba

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Amendment 58

Alexandra Geese

on behalf of the Greens/EFA Group

Alex Agius Saliba, Marcel Kolaja

Motion for a resolution

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

Motion for a resolution

The Digital Services Act should **require service providers to adopt fair and transparent** contract terms and general conditions in compliance with at least the following requirements:

Amendment

Without prejudice to the Consumer Rights Directive and the Unfair Commercial Practices Directive, the Digital Services Act should **establish minimum standards for** contract terms and general conditions **used by and should require them to be fair, accessible, predictable, non-discriminatory and transparent and** in compliance with at least the following requirements:

Or. en

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Alex Agius Saliba

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Amendment 59

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

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

Motion for a resolution

- to expressly set out in their contract terms and general conditions that ***service providers will not store*** illegal content;

Amendment

- to expressly set out in their contract terms and general conditions that ***uploading*** illegal content ***bears the full consequences of the applicable law.***

Or. en

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Alex Agius Saliba

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Amendment 60

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 2 a (new)

Motion for a resolution

Amendment

- *to ensure that the contract terms
and general conditions comply with
fundamental rights standards;*

Or. en

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Alex Agius Saliba

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Amendment 61

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

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

Motion for a resolution

Amendment

- *to define clear, and unambiguous contract terms and general conditions in a plain and intelligible language;* *deleted*

Or. en

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Alex Agius Saliba

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Amendment 62

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 4

Motion for a resolution

- to ensure that the contract terms and general conditions comply with these and all information requirements established by Union law, including the Unfair Contract Terms Directive, the Consumer Rights Directive and the GDPR;

Amendment

- to ensure that the contract terms and general conditions comply with these and all information requirements established by Union law, including the Unfair Contract Terms Directive, the ***Unfair Commercial Practices Directive***, ***the*** Consumer Rights Directive and the GDPR;

Or. en

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Alex Agius Saliba

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Amendment 63

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 2 – indent 5 a (new)

Motion for a resolution

Amendment

- *to notify users whenever they change their terms of service or community standards and to provide meaningful explanation about any substantial changes to terms of service.*

Or. en

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Alex Agius Saliba

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Amendment 64

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

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

Motion for a resolution

- Building upon Article 6 of the E-Commerce Directive, the new measures should establish a new framework for Platform to Consumer relations on transparency provisions regarding advertising, digital nudging and preferential treatment; paid advertisements or paid placement in a ranking of search results should be identified in a clear, concise, and intelligible manner;

Amendment

- Building upon Article 6 of the E-Commerce Directive, the new measures should establish a new framework for Platform to Consumer relations on transparency provisions regarding advertising, digital nudging and preferential treatment; paid advertisements or paid placement in a ranking of search results should be identified in a clear, concise, and intelligible manner *in line with the Omnibus Directive*;

Or. en

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Or. en

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Alex Agius Saliba

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Amendment 68

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subheading 5

Motion for a resolution

Amendment

5. *Penalties*

deleted

Or. en

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Amendment 69

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part IV – paragraph 1 – subparagraph 4

Motion for a resolution

Amendment

The compliance of the due diligence provisions should be reinforced with effective, proportionate and dissuasive penalties, including the imposition of fines.

deleted

Or. en

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Alex Agius Saliba

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Amendment 70

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 1 – indent 2

Motion for a resolution

- enhance the central role played by *online intermediaries* in facilitating the public debate and the free dissemination of facts, opinions, and ideas;

Amendment

- enhance the central role played by *the internet* in facilitating the public debate and the free dissemination of facts, opinions, and ideas;

Or. en

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Alex Agius Saliba

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Amendment 71

Alexandra Geese

on behalf of the Greens/EFA Group

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 legal content under fair ***accessible, predictable*** and transparent terms and conditions of service, provided that they are applicable in a non-discriminatory manner;

Or. en

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Alex Agius Saliba

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Amendment 72

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – introductory part

Motion for a resolution

The Digital Services Act should establish a harmonised and legally enforceable notice-and-action mechanism based on a set of clear processes and precise timeframes for each step of the notice-and-action procedure. That notice-and-action mechanism should:

Amendment

The Digital Services Act should establish a ***differentiated***, harmonised and legally enforceable notice-and-action mechanism based on a set of clear processes and precise timeframes for each step of the notice-and-action procedure. That notice-and-action mechanism should:

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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Amendment 73

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 2 a (new)

Motion for a resolution

Amendment

- *offer different notification categories for different types of illegal content.*

Or. en

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Alex Agius Saliba

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Amendment 74

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 3

Motion for a resolution

- create easily accessible, reliable and user-friendly procedures;

Amendment

- create easily accessible, reliable and user-friendly procedures *tailored to the type of content;*

Or. en

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Amendment 75

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 6

Motion for a resolution

- guarantee that notices will not automatically trigger legal liability nor should they impose any removal requirement, for specific pieces of the content or for the legality assessment;

Amendment

- guarantee that notices, ***unless being issued by a judicial authority***, will not automatically trigger legal liability nor should they impose any removal requirement, for specific pieces of the content or for the legality assessment;

Or. en

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Amendment 76

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 7

Motion for a resolution

- specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such requirement should include the name and contact details of the notice provider, the *link (URL) to* the allegedly illegal content in question, the stated reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim;

Amendment

- specify the requirements necessary to ensure that notices are of a good quality, thereby enabling a swift removal of illegal content; such *a* requirement should include the name and contact details of the notice provider, the *location of (URL) the* allegedly illegal content in question, *an indication of the time and date when the alleged wrongdoing was committed*, the stated reason for the claim including an explanation of the reasons why the notice provider considers the content to be illegal, and if necessary, depending on the type of content, additional evidence for the claim, *a declaration of good faith that the information provided is accurate and information on how to issue a counter-notice*;

Or. en

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Alex Agius Saliba

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Amendment 78

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 9

Motion for a resolution

Amendment

- *consider, when a complaint is not anonymous, a declaration of good faith that the information provided is accurate;*

deleted

Or. en

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Alex Agius Saliba

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Amendment 79

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 10

Motion for a resolution

- set up safeguards to prevent abusive behaviour by users who systematically and repeatedly and with mala fide submit wrongful or abusive notices;

Amendment

- set up safeguards ***and provide for sanctions*** to prevent abusive behaviour by users who systematically and repeatedly and with mala fide submit wrongful or abusive notices;

Or. en

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Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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Amendment 81

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 2 – indent 12 a (new)

Motion for a resolution

Amendment

- *create an obligation for intermediaries to publish information about their procedures and time frames for intervention by interested parties, including the time before a notification is sent to the content uploader, the time for the content uploader to respond with a counter-notification, the average and maximum time for a decision by the platform for categories of cases, the time at which the intermediary will inform both parties about the result of the procedure, the time for different forms of appeal against the decision.*

Or. en

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Alex Agius Saliba

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Amendment 82

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – subheading 2 – indent 2

Motion for a resolution

- The providers of the content that is being flagged as illegal should be immediately informed of the notice and, that being the case, of the reasons and decisions taken to remove or disable access to the content; all parties should be duly informed of all existing available legal options and mechanisms to challenge this decision;

Amendment

- The providers of the content that is being flagged as illegal should be immediately informed of the notice and, that being the case, of the reasons and decisions taken to remove, *suspend* or disable access to the content; all parties should be duly informed of all existing available legal options and mechanisms to challenge this decision; *in complex areas of law mainly involving two parties external to the provider, such as alleged defamation or copyright infringements, a notice-and-notice system is more appropriate, with additional safeguards put in place;*

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 83

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – subheading 2 – indent 4

Motion for a resolution

- If the redress and counter-notice have established that the notified activity or information is not illegal, the online intermediary should restore the content that was removed without undue delay or allow for the re-upload by the user, without prejudice to the *platform's* terms of service.

Amendment

- If the redress and counter-notice have established that the notified activity or information is not illegal, the online intermediary should restore the content that was removed *or suspended* without undue delay or allow for the re-upload by the user, without prejudice to the *online intermediary's* terms of service.

Or. en

EUROPEAN PARLIAMENT

Committee on the Internal Market and Consumer Protection

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 84

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – subheading 2 a (new)

Motion for a resolution

Amendment

2 a. *Independent dispute settlement bodies*

Independent dispute settlement bodies should be established to allow users a referral in order to contest a decision taken by an online intermediary. These bodies should: be established by Member States to serve as a tribunal system providing simplified and speedier legal procedures tailored to the nature of online content moderation disputes; be composed of legal experts and complement the judicial system; be tasked with the settlement of disputes between content uploaders and an intermediary regarding the legality of user-uploaded content and the correct application of terms of services or other internal rules when they relate to content moderation decisions taken by the

intermediary; issue reports on the number of referrals brought before them, including the number of referrals given heed to.

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 85

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – subheading 2 a (new)

Motion for a resolution

Amendment

**2 a. *Independent dispute settlement
bodies***

Or. en

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Alex Agius Saliba

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

Amendment 87

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – introductory part

Motion for a resolution

The notice-and-action mechanisms should be transparent and available *to any interested party*; to that end, online intermediaries should be obliged to publish annual reports *with* information on:

Amendment

The notice-and-action mechanisms should be transparent and *publicly* available; to that end, online intermediaries *and Member States* should be obliged to publish annual reports. *Online intermediaries' reports should be standardized and contain* information on:

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 88

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – indent 1 a (new)

Motion for a resolution

Amendment

- *the response time per type of content;*

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 89

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – indent 4 a (new)

Motion for a resolution

Amendment

- *the number of erroneous
takedowns;*

Or. en

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Alex Agius Saliba

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

Amendment 90

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – indent 5

Motion for a resolution

- the description of the content moderation model applied by the hosting intermediary, as well as any algorithmic decision making which influences the content moderation process.

Amendment

- the description of the content moderation model applied by the hosting intermediary, as well as any algorithmic decision making ***and its functioning and logic*** which influences the content moderation process.

Or. en

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

Amendment 91

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – indent 5 a (new)

Motion for a resolution

Amendment

- *an obligation for intermediaries to provide the aggregated data of transparency reports via a publicly available real-time API. Such an API should be standardised by the European regulator to allow for comparability across providers.*

Or. en

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Alex Agius Saliba

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Amendment 92

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 3 – indent 5 b (new)

Motion for a resolution

Amendment

- *Member States' reports should contain information on: the number, nature and legal basis of content restriction requests sent to intermediaries; on the actions taken as a result of those requests.*

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 93

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 5

Motion for a resolution

The Digital Services Act should ***address the lack of legal certainty regarding*** the concept of active vs passive hosts. The revised measures should clarify if interventions by hosting providers having ***editorial functions and*** a certain “degree of ***control over the data,***” through ***tagging, organising, promoting, optimising, presenting or otherwise curating specific content for profit-making purposes*** and which amounts to adoption of the third-party content as one’s own (as judged by average users or consumers) should lead to a loss of safe harbour provisions due to their active nature.

Amendment

The Digital Services Act should ***consider replacing*** the concept of active vs passive hosts. The revised measures should clarify if interventions by hosting providers ***creating the content or*** having a certain “degree of ***contribution to the illegality of the a content***” and which amounts to adoption of the third-party content as one’s own (as judged by average users or consumers), ***as well as the question whether a provider is optimizing economic models of services in ways that bring inherent risks of illegal or harmful content/activity and/or fundamental rights and freedoms*** should lead to a loss of safe harbour provisions due to their active nature.

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 94

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part V – paragraph 6

Motion for a resolution

The Digital Services Act should maintain the ban on general monitoring obligation under Article 15 of the current E-Commerce Directive. Online intermediaries should not be subject to general monitoring obligations.

Amendment

The Digital Services Act should maintain the ban on general monitoring obligation under Article 15 of the current E-Commerce Directive *clarifying however that the indiscriminate verification and analysis of all content or communications hosted by an information society service provider also falls within the definition of general monitoring*. Online intermediaries should not be subject to general monitoring obligations.

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 95

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VI – paragraph 1

Motion for a resolution

The Digital Services Act should propose specific rules for online market places for the online sale of products and services to consumers.

Amendment

The Digital Services Act should propose specific rules for online market places for the online sale, *promotion or supply* of products and services to consumers.

Or. en

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Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 97

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 5

Motion for a resolution

- once products have been identified as unsafe by the Union's rapid alert systems or by consumer protection authorities, it should be compulsory to remove products from the marketplace within 24 hours;

Amendment

- once products have been identified as unsafe by the Union's rapid alert systems, ***by national market surveillance authorities, by customs authorities*** or by consumer protection authorities, it should be compulsory to remove products from the marketplace within 24 hours;

Or. en

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Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 99

Alexandra Geese

on behalf of the Greens/EFA Group

Petra De Sutter, Marcel Kolaja

Motion for a resolution

Annex I – part VI – paragraph 2 – indent 9 a (new)

Motion for a resolution

Amendment

- *ensure that online market places provide clear and easily understandable information to consumers on the impact of e-commerce on the environment; more particularly, online market places should be obliged to provide information on the use of sustainable and efficient product delivery methods, of environmentally sound packaging, as well as on the carbon footprint and other environmental impacts of returning unwanted items, involving double transportation or requiring disposal rather than resale.*

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 100

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 1

Motion for a resolution

The Digital Services Act should put forward a proposal to ensure that the systemic role of *specific* online platforms will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs.

Amendment

The Digital Services Act should put forward a proposal to ensure that the systemic role of *certain* online platforms will not endanger the internal market by unfairly excluding innovative new entrants, including SMEs, *and to provide for real consumer choice.*

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 101

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 1

Motion for a resolution

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of *regulatory* rules;

Amendment

- set up an ex-ante mechanism to prevent (instead of merely remedy) unfair market behaviour by “systemic platforms” in the digital world, building on the Platform to Business Regulation; such mechanism should allow regulatory authorities to impose remedies on these companies in order to address market failures, without the establishment of a breach of *competition* rules;

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 102

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6

Motion for a resolution

- 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 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.

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 and protocols, including the possibility of a mechanical interface (Application Programming Interface) ***to be provided by systemic platforms, especially social media and messaging services***, that allows users of competing platforms to dock on to the systemic platform and exchange information with it. ***Systemic platforms***

may not share, retain, monetize, or use any of the data that is received from third-parties during interoperability activities. Interoperability obligations should not limit, hinder or delay the ability of intermediaries to patch vulnerabilities.

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 103

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6 a (new)

Motion for a resolution

Amendment

- *put in place transparency obligations for recommendation systems of systemic providers including public documentation of rules and criteria for the functioning of recommendation algorithms, of recommendation outputs and their audiences, of content-specific ranking decisions and other interventions by the platform as well as of the organisational structures that control such systems, as well as real-time, high-level, anonymised data access through public APIs to verify the information provided in the public documentation;*

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 104

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6 b (new)

Motion for a resolution

Amendment

- *create an unbundling remedy for hosting and content moderation activities thereby allowing third parties to offer content moderation or curation services to the platforms' users. It should be designed as to address the contractual layer and the technical layer.*

Or. en

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Alex Agius Saliba

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Amendment 105

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VII – paragraph 2 – indent 6 c (new)

Motion for a resolution

Amendment

- *entrust the European Commission Directorate General for Competition with additional powers under Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 101 and 102 of the Treaty to send, following a market investigation, recommendations to market players as a means to intervene before markets tip in favour of the incumbent platform and therefore prevent serious damage to competition and consumers;*

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 106

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 2

Motion for a resolution

The supervision and enforcement the Digital Services Act should be improved by the creation of central regulatory authority who should be responsible for overseeing compliance with the DSA and improve external monitoring, verification of platform activities, and better enforcement.

Amendment

The supervision and enforcement the Digital Services Act should be improved by the creation of *a* central regulatory authority who should be responsible for overseeing compliance with the DSA and improve external monitoring, verification of platform activities, and better enforcement.

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 107

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 3

Motion for a resolution

The central regulatory authority should ***prioritise*** cooperation between the Member States to address complex cross-border issues; to that end, it should work together with the network of independent NEBs and have detailed and extensive enforcement powers to launch initiatives and investigations into cross-border systemic issues.

Amendment

The central regulatory authority should ***facilitate*** cooperation between the Member States to address complex cross-border issues; to that end, it should work together with the network of independent NEBs and have detailed and extensive enforcement powers to launch initiatives and investigations into cross-border systemic issues.

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 108

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 4

Motion for a resolution

The central regulator should coordinate the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.

Amendment

The central regulator should coordinate the work of the different authorities dealing with illegal content online, enforce compliance, fines, and be able to carry out auditing of intermediaries and platforms.; ***in case of disagreement of the NEBs, at the request of the majority of NEBs, or in case of issues relevant for more than one country it takes the final decision;***

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 109

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja, Alex Agius Saliba

Motion for a resolution

Annex I – part VIII – paragraph 4 a (new)

Motion for a resolution

Amendment

The investigative powers of the authority should include the right to conduct audits; in this regard it is essential for the software documentation, the algorithms and data sets used to be fully accessible to the authority, while respecting EU law;

Or. en

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Alex Agius Saliba

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

Amendment 110

Alexandra Geese

on behalf of the Greens/EFA Group

Alex Agius Saliba, Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 4 b (new)

Motion for a resolution

Amendment

The authority should facilitate and support the creation and maintenance of a European research repository that would combine data from multiple platforms to facilitate appeals processes and enable regulators, researchers and NGOs to review and analyse platform decisions;

Or. en

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Alex Agius Saliba

Digital Services Act: Improving the functioning of the Single Market

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

Amendment 111

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 4 c (new)

Motion for a resolution

Amendment

Next to corrective powers, the enforcement powers of the authority should include the right to issue fines of up to 30 000 000 EUR, or in the case of an undertaking, up to 5 % of the total worldwide annual turnover;

Or. en

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Alex Agius Saliba

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

Amendment 112

Alexandra Geese

on behalf of the Greens/EFA Group

Marcel Kolaja

Motion for a resolution

Annex I – part VIII – paragraph 5

Motion for a resolution

The central regulator should report to the Union institutions and maintain a ‘Platform Scoreboard’ with relevant information on the performance of online platforms.

Amendment

The central regulator should report to the Union institutions and maintain a **public** ‘Platform Scoreboard’ with relevant information on the performance of online platforms.

Or. en