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Bruxelles, le 25 mars 2022
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2020/0361(COD)

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NOTE

Origine:	Secrétariat général du Conseil
Destinataire:	Comité des représentants permanents
N° doc. préc.:	5620/22
N° doc. Cion:	14124/20 + ADD 1-3
Objet:	Proposition de RÈGLEMENT DU PARLEMENT EUROPÉEN ET DU CONSEIL relatif à un marché intérieur des services numériques (Législation sur les services numériques) et modifiant la directive 2000/31/CE - Préparation du trilogue

Les délégations trouveront, ci-joint la proposition du mandat révisé partiel concernant les articles 1 à 37 en format de tableau 4 colonnes sur la Proposition de règlement du Parlement européen et du Conseil relatif à un marché intérieur des services numériques (législation sur les services numériques) et modifiant la directive 2000/31/CE en vue de la préparation du 4ème trilogue qui aura lieu le 31 mars 2022.

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (Text with EEA relevance)

2020/0361(COD)

Proposal for a revised mandate on selected Articles from 1 to 37 (Chapter I, II, III)

25-03-2022

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
Citation 4				
7	Having regard to the opinion of	Having regard to the opinion of	Having regard to the opinion of	Having regard to the opinion of

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	the European Economic and Social Committee ¹ , <u>1. OJ C</u> , , p. .	the European Economic and Social Committee ¹ , <u>1. OJ C</u> , , p. .	the European Economic and Social Committee ¹ , <u>1. OJ C</u> , , p. .	the European Economic and Social Committee ¹ , <u>1. OJ C</u> , , p. .
	Citation 5			
Y	8 Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C</u> , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C</u> , , p. .	[Having regard to the opinion of the Committee of the Regions ¹ ,] <u>1. OJ C</u> , , p. .	[Having regard to the opinion of the Committee of the Regions ¹ ,] <u>1. OJ C</u> , , p. .
	Citation 6			
Y	9 Having regard to the opinion of the European Data Protection Supervisor ¹ , <u>1. OJ C</u> , p.	Having regard to the opinion of the European Data Protection Supervisor ¹ , <u>1. OJ C</u> , p.	~~Having regard to the opinion of the European Data Protection Supervisor¹,~~ ~~<u>1. OJ C</u>, p.~~	~~Having regard to the opinion of the European Data Protection Supervisor¹,~~ ~~<u>1. OJ C</u>, p.~~
	Citation 7			
G	10 Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
	Formula			
G	11			G

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Whereas:	Whereas:	Whereas:	Whereas:
	Recital 1			
12	(1) Information society services and especially intermediary services have become an important part of the Union's economy and daily life of Union citizens. Twenty years after the adoption of the existing legal framework applicable to such services laid down in Directive 2000/31/EC of the European Parliament and of the Council¹, new and innovative business models and services, such as online social networks and marketplaces, have allowed business users and consumers to impart and access information and engage in transactions in novel ways. A majority of Union citizens now uses those services on a daily basis. However, the digital transformation and increased use of those services has also resulted in new risks and challenges, both for individual users and for society as a whole.	(1) Information society services and especially intermediary services have become an important part of the Union's economy and daily life of Union citizens. Twenty years after the adoption of the existing legal framework applicable to such services laid down in Directive 2000/31/EC of the European Parliament and of the Council¹, new and innovative business models and services, such as online social networks and marketplaces, have allowed business users and consumers to impart and access information and engage in transactions in novel <u>and innovative ways, transforming their communication, consumption and business habits</u> ~~ways~~. A majority of Union citizens now uses those services on a daily basis. However, the digital transformation and increased use of those services has also resulted in new risks and challenges, ~~both~~	(1) Information society services and especially intermediary services have become an important part of the Union's economy and daily life of Union citizens. Twenty years after the adoption of the existing legal framework applicable to such services laid down in Directive 2000/31/EC of the European Parliament and of the Council¹, new and innovative business models and services, such as online social networks and marketplaces, have allowed business users and consumers to impart and access information and engage in transactions in novel ways. A majority of Union citizens now uses those services on a daily basis. However, the digital transformation and increased use of those services has also resulted in new risks and challenges, both for individual ~~users~~ recipients of the service and for society as a whole.	(1) Information society services and especially intermediary services have become an important part of the Union's economy and daily life of Union citizens. Twenty years after the adoption of the existing legal framework applicable to such services laid down in Directive 2000/31/EC of the European Parliament and of the Council¹, new and innovative business models and services, such as online social networks and marketplaces, have allowed business users and consumers to impart and access information and engage in transactions in novel ways. A majority of Union citizens now uses those services on a daily basis. However, the digital transformation and increased use of those services has also resulted in new risks and challenges, both for individual ~~users~~ recipients of the service and for society as a whole.

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).	for individual users, <u>companies</u> and for society as a whole. 1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).	1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).	1. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1). Identical to the GA
	Recital 2			
13	(2) Member States are increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of	(2) Member States are increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services, <u>and resulting in a fragmentation of the internal market</u> . Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in	(2) Member States are increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of	(2) Member States are increasingly introducing, or are considering introducing, national laws on the matters covered by this Regulation, imposing, in particular, diligence requirements for providers of intermediary services. Those diverging national laws negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice.	which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice, <u>without lock-in effects, and reducing administrative burden for intermediary services, especially for micro, small and medium sized enterprises.</u>	goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice. Both business users, consumers and other users can be "recipients of the service" for the purpose of this Regulation.	of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice. Both business users, consumers and other users can be "recipients of the service" for the purpose of this Regulation. Identical to the GA
Recital 3				
14	(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their	(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, <u>accessible</u> , predictable and trusted online environment and for allowing Union citizens and other persons to exercise their	(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their	(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
15	(4) Therefore, in order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary in order to avoid and put an end to fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers and fostering interoperability. By using requirements that are technology neutral, innovation should not be hampered but instead be stimulated.	(4) ~~Therefore~~ , In order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary in order to avoid and put an end to fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers, <u>protecting consumers</u> and fostering interoperability. By using requirements that are technology neutral, innovation should not be hampered but instead be stimulated, <u>while respecting fundamental rights</u> .	(4) Therefore, in order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary in order to avoid and put an end to fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers and fostering interoperability. By using requirements that are technology neutral, innovation should not be hampered but instead be stimulated.	(4) Therefore, in order to safeguard and improve the functioning of the internal market, a targeted set of uniform, effective and proportionate mandatory rules should be established at Union level. This Regulation provides the conditions for innovative digital services to emerge and to scale up in the internal market. The approximation of national regulatory measures at Union level concerning the requirements for providers of intermediary services is necessary in order to avoid and put an end to fragmentation of the internal market and to ensure legal certainty, thus reducing uncertainty for developers and fostering interoperability. By using requirements that are technology neutral, innovation should not be hampered but instead be stimulated. Identical to the GA
Recital 4a				
15a		(4a) <u>Given the importance of</u>		Identical to the GA

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		<u>digital services, it is essential that this Regulation ensures a regulatory framework which ensures full, equal and unrestricted access to intermediary services for all recipients of services, including persons with disabilities. Therefore, it is important that accessibility requirements for intermediary services, including their user interfaces, are consistent with existing Union law, such as the European Accessibility Act and the Web Accessibility Directive and that Union law is further developed, so that no one is left behind as result of digital innovation.</u>		
	Recital 5			
R 16	(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council¹, that is, any service normally provided for remuneration, at a distance, by electronic means and at the	(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council¹, that is, any service normally provided for remuneration, at a distance, by electronic means and at the	(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council¹, that is, any service normally provided for remuneration, at a distance, by electronic means and	(5) This Regulation should apply to providers of certain information society services as defined in Directive (EU) 2015/1535 of the European Parliament and of the Council¹, that is, any service normally provided for remuneration, at a distance, by electronic means and at the

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	individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of unlawful or otherwise harmful information and activities. 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).	individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of unlawful or otherwise harmful information and activities. 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).	at the individual request of a recipient. Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’, ‘online search engine’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of unlawful or otherwise harmful information and activities. 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).	individual request of a recipient. <u>Such a recipient can be any person using the service in question, regardless of the purpose of such use, such as consumers, business users, and individuals or entities using the service to notify items of information through notice and action mechanisms.</u> Specifically, this Regulation should apply to providers of intermediary services, and in particular intermediary services consisting of services known as ‘mere conduit’, ‘caching’, ‘online search engine’ and ‘hosting’ services, given that the exponential growth of the use made of those services, mainly for legitimate and socially beneficial purposes of all kinds, has also increased their role in the intermediation and spread of unlawful or otherwise harmful information and activities. 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure

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				for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).
	Recital 6			
17	(6) In practice, certain providers of intermediary services intermediate in relation to services that may or may not be provided by electronic means, such as remote information technology services, transport, accommodation or delivery services. This Regulation should apply only to intermediary services and not affect requirements set out in Union or national law relating to products or services intermediated through intermediary services, including in situations where the intermediary service constitutes an integral part of another service which is not an intermediary service as specified in the case law of the Court of Justice of the European Union.	(6) In practice, certain providers of intermediary services intermediate in relation to services that may or may not be provided by electronic means, such as remote information technology services, transport <u>of persons and goods</u> , accommodation or delivery services. This Regulation should apply only to intermediary services and not affect requirements set out in Union or national law relating to products or services intermediated through intermediary services, including in situations where the intermediary service constitutes an integral part of another service which is not an intermediary service as specified in the case law of the Court of Justice of the European Union.	(6) In practice, certain providers of intermediary services intermediate in relation to services that may or may not be provided by electronic means, such as remote information technology services, transport, accommodation or delivery services. This Regulation should apply only to intermediary services and not affect requirements set out in Union or national law relating to products or services intermediated through intermediary services, ~~including.~~ This Regulation should not apply in situations where the ~~intermediary service constitutes an integral part of another~~ intermediation is indispensable to the provision	(6) In practice, certain providers of intermediary services intermediate in relation to services that may or may not be provided by electronic means, such as remote information technology services, transport, accommodation or delivery services. This Regulation should apply only to intermediary services and not affect requirements set out in Union or national law relating to products or services intermediated through intermediary services, ~~including.~~ This Regulation should not apply in situations where the ~~intermediary service constitutes an integral part of another~~ intermediation is indispensable to the provision of

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			of the intermediated service and the service which is not an intermediary provider exercises decisive influence over the conditions under which the intermediated service is provided , as specified in the case law of the Court of Justice of the European Union.	the intermediated service and the service which is not an intermediary provider exercises decisive influence over the conditions under which the intermediated service is provided , as specified in the case law of the Court of Justice of the European Union. Identical to the GA
	Recital 7			
Y	18 (7) In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to providers of intermediary services irrespective of their place of establishment or residence, in so far as they provide services in the Union, as evidenced by a substantial connection to the Union.	(7) In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to providers of intermediary services irrespective of their place of establishment or residence, in so far as they provide services in the Union, as evidenced by a substantial connection to the Union.	(7) In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to providers of intermediary services irrespective of their place of establishment or ~~residence~~ location , in so far as they ~~provide~~ offer services in the Union, as evidenced by a substantial connection to the Union.	(7) In order to ensure the effectiveness of the rules laid down in this Regulation and a level playing field within the internal market, those rules should apply to providers of intermediary services irrespective of their place of establishment or ~~residence~~ location , in so far as they ~~provide~~ offer services in the Union, as evidenced by a substantial connection to the Union. Identical to the GA
	Recital 8			
Y	19			Y

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	(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of users in one or more Member States, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the language generally used in that Member State. A	(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the ~~existence of a significant number of users in one or more Member States, or the~~ targeting directing of activities towards one or more Member States. The ~~targeting~~ directing of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or using a national top level domain. The ~~targeting~~ directing of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer relations such as by providing customer service in the	(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of ~~users~~ recipients of the service in one or more Member States in relation to their population, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or ~~using a national~~ the use of a relevant top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer	(8) Such a substantial connection to the Union should be considered to exist where the service provider has an establishment in the Union or, in its absence, on the basis of the existence of a significant number of ~~users~~ recipients of the service in one or more Member States in relation to their population, or the targeting of activities towards one or more Member States. The targeting of activities towards one or more Member States can be determined on the basis of all relevant circumstances, including factors such as the use of a language or a currency generally used in that Member State, or the possibility of ordering products or services, or ~~using a national~~ the use of a relevant top level domain. The targeting of activities towards a Member State could also be derived from the availability of an application in the relevant national application store, from the provision of local advertising or advertising in the language used in that Member State, or from the handling of customer

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	substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council¹. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union. 1. Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).	language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member State as set out in Article 17(1)(c) of Regulation (EU) ~~1215/2012~~ <u>No 1215/2012</u> of the European Parliament and of the Council¹. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union. 1. Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).	handling of customer relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member ~~State~~ States as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council¹. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union. 1. Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1).	relations such as by providing customer service in the language generally used in that Member State. A substantial connection should also be assumed where a service provider directs its activities to one or more Member ~~State~~ States as set out in Article 17(1)(c) of Regulation (EU) 1215/2012 of the European Parliament and of the Council¹. On the other hand, mere technical accessibility of a website from the Union cannot, on that ground alone, be considered as establishing a substantial connection to the Union. 1. Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L351, 20.12.2012, p.1). Identical to the GA
Recital 8a				

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			where it is difficult to determine from which of several places of establishment a given service is offered, this is the place where the provider has the centre of his activities relating to this particular service.	places of establishment a given service is offered, this is the place where the provider has the centre of his activities relating to this particular service. Identical to the GA
	Recital 9			
20	(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended, ¹ and Regulation (EU) .../.. of the European Parliament and of the Council ² – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, which are to be considered lex specialis in relation to the generally applicable	(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended, ¹ and Regulation (EU) .../.. ^{2021/784} of the European Parliament and of the Council ² – ~~proposed Terrorist Content Online Regulation~~ . Therefore, this Regulation leaves those other acts, which are to be considered lex specialis in relation to the generally applicable	(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended, ¹ and Regulation (EU) .../.. of the European Parliament and of the Council ² – proposed Terrorist Content Online fully harmonises the rules applicable to intermediary services in the internal market with the objective to ensure a safe,	(9) This Regulation should complement, yet not affect the application of rules resulting from other acts of Union law regulating certain aspects of the provision of intermediary services, in particular Directive 2000/31/EC, with the exception of those changes introduced by this Regulation, Directive 2010/13/EU of the European Parliament and of the Council as amended, ¹ and Regulation (EU) .../.. of the European Parliament and of the Council ² – proposed Terrorist Content Online fully harmonises the rules applicable to intermediary services in the internal market with the objective to ensure a safe,

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	framework set out in this Regulation, unaffected. However, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level. 1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 . 2. Regulation (EU) .../.. of the European Parliament and of the Council – proposed Terrorist Content Online Regulation	framework set out in this Regulation, unaffected. However, the rules of this Regulation <u>should</u> apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures. <u>To assist Member States and service providers, the Commission should provide guidelines as to how to interpret the interaction and complementary nature between different Union legal acts and this Regulation and how to prevent any duplication of requirements on providers or potential conflicts in the interpretation of similar requirements. In particular, the guidelines should clarify any potential conflicts between the conditions and obligations laid down in legal acts, referred to in this Regulation, explaining which legal act should prevail-# national level.</u> 1. Directive 2010/13/EU of the European Parliament and of the	predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected. Accordingly, Member States should not adopt or maintain additional national requirements on those matters falling within the scope of this Regulation, unless explicitly provided for in this Regulation. Therefore, this Regulation leaves those other acts, which are to be considered <i>lex specialis</i> in relation, since this would affect the direct and uniform application of the fully harmonised rules applicable to the generally applicable framework set out in this Regulation, unaffected. However, the rules providers of intermediary services in accordance with the objectives of this Regulation. This does not preclude the possibility to apply other national legislation applicable to providers of intermediary services in accordance with Union law, including Directive	predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected. Accordingly, Member States should not adopt or maintain additional national requirements on those matters falling within the scope of this Regulation, unless explicitly provided for in this Regulation. Therefore, this Regulation leaves those other acts, which are to be considered <i>lex specialis</i> in relation, since this would affect the direct and uniform application of the fully harmonised rules applicable to the generally applicable framework set out in this Regulation, unaffected. However, the rules providers of intermediary services in accordance with the objectives of this Regulation. This does not preclude the possibility to apply other national legislation applicable to providers of intermediary services in accordance with Union law, including Directive 2000/31/EC,

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1 . 2. Regulation (EU) ~~.../...~~ <u>2021/784</u> of the European Parliament and of the Council ~~—proposed of 29 April 2021 on~~ <u>addressing the dissemination of</u> terrorist content online ~~Regulation~~ <u>(OJ L 172, 17.5.2021, p. 79).</u>	2000/31/EC, in particular its Article 3, which pursue other legitimate public interest objectives ~~apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.~~ 1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1. 2. Regulation (EU) ~~.../...~~ of the European Parliament and of the Council ~~—proposed~~ Terrorist Content Online Regulation	in particular its Article 3, which pursue other legitimate public interest objectives ~~apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level.~~ 1. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Text with EEA relevance), OJ L 95, 15.4.2010, p. 1. 2. Regulation (EU) ~~.../...~~ of the European Parliament and of the Council ~~—proposed~~ Terrorist Content Online Regulation Identical to the GA

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Recital 9a			
20a		<i><u>(9a) In line with Article 167(4) of the Treaty on the Functioning of the European Union, cultural aspects should be taken into account, in particular in order to respect and to promote the cultural and linguistic diversity. It is essential that this Regulation contributes to protect the freedom of expression and information, media freedom and to foster media pluralism as well as cultural and linguistic diversity.</u></i>		Identical to the GA
	Recital 10			
21	(10) For reasons of clarity, it should also be specified that this Regulation is without prejudice to Regulation (EU) 2019/1148 of the European Parliament and of the Council ¹ and Regulation (EU) 2019/1150 of the European Parliament and of the Council, ² Directive 2002/58/EC of the European Parliament and of the Council ³ and Regulation [...] on temporary derogation from	(10) For reasons of clarity, it should also be specified that this Regulation is without prejudice to Regulation (EU) 2019/1148 of the European Parliament and of the Council ¹ and Regulation (EU) 2019/1150 of the European Parliament and of the Council, ² Directive 2002/58/EC of the European Parliament and of the Council ³ and Regulation [...] on temporary derogation from	(10) For reasons of clarity, it should also be specified that ~~this~~ This Regulation should be without prejudice to other acts of Union law regulating the provision of information society services in general, other aspects of the provision of intermediary services in the internal market or specifying and complementing the harmonised rules set out in this	(10) For reasons of clarity, it should also be specified that ~~this~~ This Regulation should be without prejudice to other acts of Union law regulating the provision of information society services in general, other aspects of the provision of intermediary services in the internal market or specifying and complementing the harmonised rules set out in this

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	certain provisions of Directive 2002/58/EC⁴ as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council⁵, Directive 2011/83/EU of the European Parliament and of the Council⁶ and Directive 93/13/EEC of the European Parliament and of the Council⁷, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council⁸, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.⁹ The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union law on working conditions. 1. Regulation (EU) 2019/1148 of the European Parliament and of the Council on the marketing	certain provisions of Directive 2002/58/EC⁴, <u>Directive (EU) 2018/1972 of the European Parliament and of the Council</u>⁵, as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council⁶, Directive 2011/83/EU of the European Parliament and of the Council⁷ and Directive 93/13/EEC of the European Parliament and of the Council⁸, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council⁹, <u>Directive (EU) 2019/882 of the European Parliament and of the Council, Regulation (EU) 2019/1020, Directive 2001/95/EC, Directive 2013/11/EU of the European Parliament and of the Council, Regulation (EU) 2017/2394</u>¹⁰, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council.¹¹ The protection of individuals with regard to the processing of personal data is solely governed	Regulation such as Directive 2010/13/EU of the European Parliament and of the Council, including the specific objectives set out in that Directive as regards video-sharing platforms,¹ Regulation is without prejudice to (EU) 2021/784 of the European Parliament and of the Council², Regulation (EU) 2019/1148 of the European Parliament and of the Council¹³, Regulation (EU) .../.... [on European Production and Preservation Orders for electronic evidence in criminal matters]; Directive (EU) .../.... [laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings] and Regulation (EU) 2019/1150 of the European Parliament and of the Council²⁴, Directive 2002/58/EC of the European Parliament and of the Council³⁵ and Regulation [.../...] on temporary derogation from certain provisions of Directive	Regulation such as Directive 2010/13/EU of the European Parliament and of the Council, including the specific objectives set out in that Directive as regards video-sharing platforms,¹ Regulation is without prejudice to (EU) 2021/784 of the European Parliament and of the Council², Regulation (EU) 2019/1148 of the European Parliament and of the Council¹³, Regulation (EU) .../.... [on European Production and Preservation Orders for electronic evidence in criminal matters]; Directive (EU) .../.... [laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings] and Regulation (EU) 2019/1150 of the European Parliament and of the Council²⁴, Directive 2002/58/EC of the European Parliament and of the Council³⁵ and Regulation [.../...] on temporary derogation from certain provisions of Directive 2002/58/EC⁴ as well as (EU) 2021/1232 of the

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (OJ L 186, 11.7.2019, p. 1). 2. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). 3. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37. 4. Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC. 5. Directive 2005/29/EC of the	by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union <u>or national</u> law on working conditions. 1. Regulation (EU) 2019/1148 of the European Parliament and of the Council on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (OJ L 186, 11.7.2019, p. 1). 2. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). 3. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of	2002/58/EC⁴ as well as (EU) 2021/1232 of the European Parliament and of the Council⁶. Similarly, for reasons of clarity, it should also be specified that this Regulation is without prejudice to Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council⁵⁷, Directive 2011/83/EU of the European Parliament and of the Council⁶⁸ and Directive 93/13/EEC of the European Parliament and of the Council⁷, as amended by Directive (EU) 2019/2161⁹, on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council⁸; and on the protection of personal data¹⁰, and Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters^{11, 12}. This Regulation is, therefore, without prejudice to	European Parliament and of the Council⁶. Similarly, for reasons of clarity, it should also be specified that this Regulation is without prejudice to Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council⁵⁷, Directive 2011/83/EU of the European Parliament and of the Council⁶⁸ and Directive 93/13/EEC of the European Parliament and of the Council⁷, as amended by Directive (EU) 2019/2161⁹, on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council⁸; and on the protection of personal data¹⁰, and Regulation (EU) 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters^{11, 12}. This Regulation is, therefore, without prejudice to Union rules on private international law, in particular

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') 6. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council. 7. Council Directive 93/13/EEC of 5 April 1993 on unfair terms	personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002, p. 37. 4. Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC. 5. Directive 2005/29/EC (EU) 2018/1972 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 December 2018 establishing the European~~ Parliament and of the Council ('Unfair Commercial Practices Directive' Electronic Communications Code	Union rules on private international law, in particular ~~Regulation (EU) 2016/679 of the European Parliament and of the Council~~ rules regarding jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and rules on the law applicable to contractual and non-contractual obligations.⁹ The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union law on working conditions and the rules of Union law in the field of judicial cooperation in civil and criminal matters. However, to the extent that these rules pursue the same objectives laid down in this Regulation, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts	~~Regulation (EU) 2016/679 of the European Parliament and of the Council~~ rules regarding jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and rules on the law applicable to contractual and non-contractual obligations.⁹ The protection of individuals with regard to the processing of personal data is solely governed by the rules of Union law on that subject, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC. This Regulation is also without prejudice to the rules of Union law on working conditions and the rules of Union law in the field of judicial cooperation in civil and criminal matters. However, to the extent that these rules pursue the same objectives laid down in this Regulation, the rules of this Regulation apply in respect of issues that are not or not fully addressed by those other acts as well as issues on which those other acts leave Member States the possibility of

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	in consumer contracts. 8. Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules 9. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	<u>(Recast)</u> 6. Directive ~~2011/83/EU~~ <u>2005/29/EC</u> of the European Parliament and of the Council of ~~25 October 2011 on consumer rights~~, <u>11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and</u> amending Council Directive ~~93/13/EEC and~~ <u>1999/44/EC</u> <u>84/450/EEC</u>, <u>Directives 97/7/EC, 98/27/EC and 2002/65/EC</u> of the European Parliament and of the Council and ~~repealing Council Directive 85/577/EEC and Directive 97/7/EC~~ <u>Regulation (EC) No 2006/2004</u> of the European Parliament and of the Council: <u>(‘Unfair Commercial Practices Directive’)</u> 7. <u>Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending</u> Council Directive 93/13/EEC <u>and Directive</u>	as well as issues on which those other acts leave Member States the possibility of adopting certain measures at national level. 1. Regulation (EU) 2019/1148 Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the marketing and use of explosives precursors, amending coordination of certain provisions laid down by law, regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (OJ L 186, 11.7.2019) or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ((Text with EEA relevance), OJ L 95, 15.4.2010, p. 1) . 2. Regulation (EU) 2019/1150 2021.../784.. of the European Parliament and of	adopting certain measures at national level. 1. Regulation (EU) 2019/1148 Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the marketing and use of explosives precursors, amending coordination of certain provisions laid down by law, regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (OJ L 186, 11.7.2019) or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) ((Text with EEA relevance), OJ L 95, 15.4.2010, p. 1) . 2. Regulation (EU) 2019/1150 2021.../784.. of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council of 5 April 1993 on unfair terms in consumer contracts.</u> ~~8. Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union of 5 April 1993 on unfair terms in consumer protection rules contracts.~~ ~~9. Regulation (EU) 2016/679 Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons~~	the Council of 20 June 2019 on promoting fairness and transparency for business users of 29 April 2021 on addressing the dissemination of the Terrorist Content Online– proposed Terrorist Content Online Regulation (OJ L 172, 17.5.2021, p. 79 intermediation services (OJ L 186, 11.7.2019, p. 57). 3. Directive 2002/58/EC Regulation (EU) 2019/1148 of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU), OJ L 201, 31.7.2002, p. 37 No 98/2013	of 29 April 2021 on addressing the dissemination of the Terrorist Content Online– proposed Terrorist Content Online Regulation (OJ L 172, 17.5.2021, p. 79 intermediation services (OJ L 186, 11.7.2019, p. 57). 3. Directive 2002/58/EC Regulation (EU) 2019/1148 of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU), OJ L 201, 31.7.2002, p. 37 No 98/2013 (OJ L 186, 11.7.2019, p. 1). 4. Regulation [...] on temporary derogation from certain provisions of Directive

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		~~with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data~~ <u>November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection Regulation) (OJ L 119, 4.5.2016, p. 1): rules</u> <u>10. Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004</u> <u>11. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of</u>	(OJ L 186, 11.7.2019, p. 1). 4. Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC(EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). 5. Directive 2005/29/EC2002/58/EC of the European Parliament and of the Council of 11 May 200512 July 2002 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices	2002/58/EC(EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). 5. Directive 2005/29/EC2002/58/EC of the European Parliament and of the Council of 11 May 200512 July 2002 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u><i>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).</i></u>	Directive² the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (, OJ L 201, 31.7.2002, p. 37). 6. Directive 2011/83/EU Regulation (EU) [...] 2021/1232 of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council 14 July 2021 on temporary derogation from certain provisions of Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council 2002/58/EC as regards the use of technologies by providers of number-independent	and electronic communications) (, OJ L 201, 31.7.2002, p. 37). 6. Directive 2011/83/EU Regulation (EU) [...] 2021/1232 of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council 14 July 2021 on temporary derogation from certain provisions of Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274,

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (OJ L 274, 30.7.2021, p. 41) [.../...] on temporary derogation from certain provisions of Directive 2002/58/EC.. 7. Council Directive 93/13/EEC of 5 April 1993 ~~on~~2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair terms in consumer contractsbusiness-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair	30.7.2021, p. 41) [.../...] on temporary derogation from certain provisions of Directive 2002/58/EC.. 7. Council Directive 93/13/EEC of 5 April 1993 ~~on~~2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair terms in consumer contractsbusiness-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22). 8. Directive (EU) 2019/21612011/83/EU of the European Parliament and of the

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			Commercial Practices Directive’ (OJ L 149, 11.6.2005, p. 22). 8. Directive (EU) 2019/2161/2011/83/EU of the European Parliament and of the Council of 27 November 201925 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU Directive 1999/44/EC of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rulesand repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64). 9. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of	Council of 27 November 201925 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU Directive 1999/44/EC of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rulesand repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64). 9. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1) Council

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			~~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).~~ 1) Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29) as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council. 10. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 11. Regulation (EU) 1215/2012 of the European	Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29) as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council. 10. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 11. Regulation (EU) 1215/2012 of the European

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1–32). 12. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).	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). Identical to the GA
	Recital 11			
22	(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, which establish specific rules and procedures that should remain unaffected.	(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, <u>in particular Directive (EU) 2019/790 of the European Parliament and of the Council,</u>	(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, ~~which establish~~ including Directive 2001/29/EC, Directive 2004/48/EC and Directive	(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, including Directive 2001/29/EC, Directive 2004/48/EC and Directive

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		which establish specific rules and procedures that should remain unaffected.	2019/790/EU; in particular this Regulation is without prejudice to the specific rules and procedures that should remain unaffected governing the liability of providers of intermediary services set in those Directives.	2019/790/EU; ~~in particular this Regulation is without prejudice to the, which establish~~ specific rules and procedures ~~governing the liability of providers of intermediary services set in those Directives~~ <u>that should remain unaffected.</u>
Recital 12				
23	(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of "illegal content" should be defined broadly and also covers information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful discriminatory content, or that relates to activities that are illegal, such as the sharing of images depicting child sexual abuse,	(12) In order to achieve the objective of ensuring a safe, <u>accessible</u> , predictable and trusted online environment, for the purpose of this Regulation the concept of "illegal content" should <u>underpin the general idea that what is illegal offline should also be illegal online. The concept of "illegal content" should</u> be defined ~~broadly and also covers~~ <u>appropriately and should cover</u> information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable <u>Union or national</u> law is either itself illegal, such as	(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of "illegal content" should underpin the general idea that what is illegal offline should also be illegal online. The concept should be defined broadly ~~and also cover~~ to cover information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and	(12) In order to achieve the objective of ensuring a safe, predictable and trusted online environment, for the purpose of this Regulation the concept of "illegal content" should underpin the general idea that what is illegal offline should also be illegal online. The concept should be defined broadly ~~and also cover~~ to cover information relating to illegal content, products, services and activities. In particular, that concept should be understood to refer to information, irrespective of its form, that under the applicable law is either itself illegal, such as illegal hate speech or terrorist content and unlawful

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	unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the non-authorized use of copyright protected material or activities involving infringements of consumer protection law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is consistent with Union law and what the precise nature or subject matter is of the law in question.	illegal hate speech, or terrorist content and unlawful discriminatory content, or that ~~relates~~ is not in compliance with Union law since it refers to activities that are illegal, such as the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, illegal trading of animals, plants and substances, the non-authorized use of copyright protected material or activities involving infringements of consumer protection law, the provision of illegal services in particular in the area of accommodation services on short-term rental platforms non-compliant with Union or national law. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is ~~consistent~~ in conformity with Union law, including the Charter and what the precise nature or subject matter is of the law in question.	unlawful discriminatory content, or that relates to activities that are illegal, ~~such as~~. Illustrative examples include the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the sale of products or the provision of services in infringement of consumer protection law, the non-authorized use of copyright protected material, the illegal offer of accommodation services or illegal sale of live animals ~~or activities involving infringements of consumer protection law~~. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is ~~consistent~~ in compliance with Union law and what the precise nature or subject matter is of the law in question.	discriminatory content, or that relates to activities that are illegal, ~~such as~~. Illustrative examples include the sharing of images depicting child sexual abuse, unlawful non-consensual sharing of private images, online stalking, the sale of non-compliant or counterfeit products, the sale of products or the provision of services in infringement of consumer protection law, the non-authorized use of copyright protected material, the illegal offer of accommodation services or illegal sale of live animals ~~or activities involving infringements of consumer protection law~~. In this regard, it is immaterial whether the illegality of the information or activity results from Union law or from national law that is ~~consistent~~ in compliance with Union law and what the precise nature or subject matter is of the law in question. Identical to the GA

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	Recital 13			
24	(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of another service and that feature cannot, for	(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor ~~and/or a~~ purely ancillary feature of another service <u>or functionality of the</u>	(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks, or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature ~~of that is~~	(13) Considering the particular characteristics of the services concerned and the corresponding need to make the providers thereof subject to certain specific obligations, it is necessary to distinguish, within the broader category of providers of hosting services as defined in this Regulation, the subcategory of online platforms. Online platforms, such as social networks, or online marketplaces, should be defined as providers of hosting services that not only store information provided by the recipients of the service at their request, but that also disseminate that information to the public, again at their request. However, in order to avoid imposing overly broad obligations, providers of hosting services should not be considered as online platforms where the dissemination to the public is merely a minor and purely ancillary feature of that is intrinsically linked to another

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher.	<u>principal service</u> and that feature <u>or functionality</u> cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature <u>or functionality</u> is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher. <u>For the purposes of this Regulation, cloud computing services should not be considered to be an online platform in cases where allowing the dissemination of specific content constitutes a minor or ancillary feature. Moreover, cloud computing services, when serving as infrastructure, for example, as the underlining infrastructural storage and computing services of an internet-based application or online platform, should not in itself be</u>	intrinsically linked to another service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the hosting of a comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher. In contrast, the hosting of comments in a social network should be considered an online platform service, where it is clear that it is a major feature of the service offered, even if it is ancillary to publishing the posts of recipients of the service.	service and that feature cannot, for objective technical reasons, be used without that other, principal service, and the integration of that feature is not a means to circumvent the applicability of the rules of this Regulation applicable to online platforms. For example, the hosting of a comments section in an online newspaper could constitute such a feature, where it is clear that it is ancillary to the main service represented by the publication of news under the editorial responsibility of the publisher. In contrast, the hosting of comments in a social network should be considered an online platform service, where it is clear that it is a major feature of the service offered, even if it is ancillary to publishing the posts of recipients of the service. Identical to the GA

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>seen as disseminating to the public information stored or processed at the request of a recipient of an application or online platform which it hosts.</u>		
Recital 14				
25	(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups	(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ~~The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the~~ <u>Accordingly, where access to information requires registration or admittance to a group of users, that</u> information ~~disseminated in that manner is not~~ <u>should be considered to have</u>	(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to ~~users~~ recipients of the service in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ~~The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the~~ Accordingly, where access to information requires registration or admittance to a group of recipients of the service, that	(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a potentially unlimited number of persons, that is, making the information easily accessible to ~~users~~ recipients of the service in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. ~~The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the~~ Accordingly, where access to information requires registration or admittance to a group of recipients of the service, that

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	consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/172 of the European Parliament and of the Council,¹ such as emails or private messaging services, fall outside the scope of this Regulation. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. 1. Directive (EU) 2018/172 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36	<u>been</u> disseminated to the public. ~~However, the concept should exclude dissemination of only where users seeking to access the information within closed groups consisting of a finite number of pre-determined persons. are automatically registered or admitted without a human decision on whom to grant access.~~ <u>Information exchanged using</u> interpersonal communication services, as defined in Directive (EU) 2018/172 of the European Parliament and of the Council,¹ such as emails or private messaging services, ~~fall outside the scope of this Regulation~~ <u>are not considered to have been disseminated to the public.</u> Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. 1. Directive (EU) 2018/172 of the European Parliament and of the Council of 11 December	information disseminated in that manner is not ~~should be~~ considered to be disseminated to the public. However, the concept should exclude dissemination of only where recipients of the service seeking to access the information within closed groups consisting of a finite number of pre-determined persons are automatically registered or admitted without a human decision or selection of whom to grant access. Interpersonal communication services, as defined in Directive (EU) 2018/172 of the European Parliament and of the Council,¹ such as emails or private messaging services, fall outside the scope of the definition of online platforms as they are used for interpersonal communication between a finite number of persons which is determined by the sender of the communication. However, the obligations set out in this Regulation for providers of online platforms may apply to services that allow the making	information disseminated in that manner is not ~~should be~~ considered to be disseminated to the public. However, the concept should exclude dissemination of only where recipients of the service seeking to access the information within closed groups consisting of a finite number of pre-determined persons are automatically registered or admitted without a human decision or selection of whom to grant access. Interpersonal communication services, as defined in Directive (EU) 2018/172 of the European Parliament and of the Council,¹ such as emails or private messaging services, fall outside the scope of the definition of online platforms as they are used for interpersonal communication between a finite number of persons which is determined by the sender of the communication. However, the obligations set out in this Regulation for providers of online platforms may apply to services that allow the making

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		2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36	available of information to a potentially unlimited number of recipients, not determined by the sender of the communication, such as through public groups or open channels. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. Consequently, providers of services, such as cloud infrastructure, which are provided at the request of parties other than the content providers and only indirectly benefit the latter, should not be covered by the definition of online platforms. 1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36).	available of information to a potentially unlimited number of recipients, not determined by the sender of the communication, such as through public groups or open channels. Information should be considered disseminated to the public within the meaning of this Regulation only where that occurs upon the direct request by the recipient of the service that provided the information. Consequently, providers of services, such as cloud infrastructure, which are provided at the request of parties other than the content providers and only indirectly benefit the latter, should not be covered by the definition of online platforms. 1. Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36).

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				Identical to the GA
	Recital 15			
26	(15) Where some of the services provided by a provider are covered by this Regulation whilst others are not, or where the services provided by a provider are covered by different sections of this Regulation, the relevant provisions of this Regulation should apply only in respect of those services that fall within their scope.	(15) Where some of the services provided by a provider are covered by this Regulation whilst others are not, or where the services provided by a provider are covered by different sections of this Regulation, the relevant provisions of this Regulation should apply only in respect of those services that fall within their scope.	(15) Where some of the services ~~provided~~ offered by a provider are covered by this Regulation whilst others are not, or where the services ~~provided~~ offered by a provider are covered by different sections of this Regulation, the relevant provisions of this Regulation should apply only in respect of those services that fall within their scope.	(15) Where some of the services ~~provided~~ offered by a provider are covered by this Regulation whilst others are not, or where the services ~~provided~~ offered by a provider are covered by different sections of this Regulation, the relevant provisions of this Regulation should apply only in respect of those services that fall within their scope. Identical to the GA
	Recital 16			
27	(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing and	(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing and	(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing	(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing and

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	applying the relevant rules at national level, and for reasons of clarity and coherence, that framework should be incorporated in this Regulation. It is also necessary to clarify certain elements of that framework, having regard to case law of the Court of Justice of the European Union.	applying the relevant rules at national level, and for reasons of clarity, <u>consistency, predictability, accessibility</u> and coherence, that framework should be incorporated in this Regulation. It is also necessary to clarify certain elements of that framework, having regard to case law of the Court of Justice of the European Union, <u>as well as technological and market developments</u> .	and applying the relevant rules at national level, and for reasons of clarity and coherence, that framework should be incorporated in this Regulation. It is also necessary to clarify certain elements of that framework, having regard to case law of the Court of Justice of the European Union.	applying the relevant rules at national level, and for reasons of clarity and coherence, that framework should be incorporated in this Regulation. It is also necessary to clarify certain elements of that framework, having regard to case law of the Court of Justice of the European Union. Identical to the GA
Recital 17				
28	(17) The relevant rules of Chapter II should only establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should not be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine. Furthermore, the exemptions from liability established in this Regulation should apply in respect of any type of liability as regards	(17) The relevant rules of Chapter II should only establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should not be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine. Furthermore, the exemptions from liability established in this Regulation should apply in respect of any type of liability as regards	(17) The relevant rules of Chapter II should only establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should not be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine. Furthermore, the exemptions from liability established in this Regulation should apply in	(17) The relevant rules of Chapter II should only establish when the provider of intermediary services concerned cannot be held liable in relation to illegal content provided by the recipients of the service. Those rules should not be understood to provide a positive basis for establishing when a provider can be held liable, which is for the applicable rules of Union or national law to determine. Furthermore, the exemptions from liability established in this Regulation should apply in respect of any

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	any type of illegal content, irrespective of the precise subject matter or nature of those laws.	any type of illegal content, irrespective of the precise subject matter or nature of those laws.	respect of any type of liability as regards any type of illegal content, irrespective of the precise subject matter or nature of those laws.	type of liability as regards any type of illegal content, irrespective of the precise subject matter or nature of those laws. Identical to the GA
Recital 18				
29	(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.	(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. <u>The mere ranking or displaying in an order, or the use of a recommender system should not, however, be deemed as having control over an information.</u> Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the	(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of the intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.	(18) The exemptions from liability established in this Regulation should not apply where, instead of confining itself to providing the services neutrally, by a merely technical and automatic processing of the information provided by the recipient of the service, the provider of intermediary services plays an active role of such a kind as to give it knowledge of, or control over, that information. Those exemptions should accordingly not be available in respect of liability relating to information provided not by the recipient of the service but by the provider of the intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.

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		provider of intermediary service itself, including where the information has been developed under the editorial responsibility of that provider.		Identical to the GA
Recital 19				
G 30	(19) In view of the different nature of the activities of ‘mere conduit’, ‘caching’ and ‘hosting’ and the different position and abilities of the providers of the services in question, it is necessary to distinguish the rules applicable to those activities, in so far as under this Regulation they are subject to different requirements and conditions and their scope differs, as interpreted by the Court of Justice of the European Union.	(19) In view of the different nature of the activities of ‘mere conduit’, ‘caching’ and ‘hosting’ and the different position and abilities of the providers of the services in question, it is necessary to distinguish the rules applicable to those activities, in so far as under this Regulation they are subject to different requirements and conditions and their scope differs, as interpreted by the Court of Justice of the European Union.	(19) In view of the different nature of the activities of ‘mere conduit’, ‘caching’ and ‘hosting’ and the different position and abilities of the providers of the services in question, it is necessary to distinguish the rules applicable to those activities, in so far as under this Regulation they are subject to different requirements and conditions and their scope differs, as interpreted by the Court of Justice of the European Union.	(19) In view of the different nature of the activities of ‘mere conduit’, ‘caching’ and ‘hosting’ and the different position and abilities of the providers of the services in question, it is necessary to distinguish the rules applicable to those activities, in so far as under this Regulation they are subject to different requirements and conditions and their scope differs, as interpreted by the Court of Justice of the European Union. Identical to the GA
Recital 20				
Y 31	(20) A provider of intermediary services that deliberately collaborates with a recipient of the services in order to undertake	(20) <u>Where</u> a provider of intermediary services ~~that~~ deliberately collaborates with a recipient of the services in order to	(20) A provider of intermediary services that deliberately collaborates with a recipient of the services in order to undertake	(20) A provider of intermediary services that deliberately collaborates with a recipient of the services in order to undertake

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	illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.	undertake illegal activities, <u>the service should be deemed not to have been provided</u> ~~does not provide its service~~ neutrally and <u>the provider</u> should therefore not be able to benefit from the exemptions from liability provided for in this Regulation.	illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation. This is the case, for instance, where it offers its service with the main purpose of facilitating illegal activities, for example by making explicit its purpose to facilitate criminal activities and that its services are suited for that purpose. The fact alone that a service offers encrypted transmissions or any other system that makes the identification of the user impossible should not in itself qualify as deliberate collaboration.	illegal activities does not provide its service neutrally and should therefore not be able to benefit from the exemptions from liability provided for in this Regulation. This is the case, for instance, where it offers its service with the main purpose of facilitating illegal activities, for example by making explicit its purpose to facilitate criminal activities and that its services are suited for that purpose. The fact alone that a service offers encrypted transmissions or any other system that makes the identification of the user impossible should not in itself qualify as deliberate collaboration. Identical to the GA
	Recital 21			
32	(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with the information transmitted. This requires, among other things, that the provider does	(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved ~~with~~ <u>in the content of</u> the information transmitted. This requires, among other things,	(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with the information transmitted. This requires, among other things, that	(21) A provider should be able to benefit from the exemptions from liability for ‘mere conduit’ and for ‘caching’ services when it is in no way involved with the information transmitted. This requires, among other things, that

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	not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.	that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature, which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.	the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as suchlong as these manipulations do not alter the integrity of the information transmitted.	the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature which take place in the course of the transmission, as suchlong as these manipulations do not alter the integrity of the information transmitted. Identical to the GA
Recital 22				
33	(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the principle of freedom of expression. The provider can obtain such actual knowledge or awareness through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in	(22) In order to benefit from the exemption from liability for hosting services, the provider should, ~~upon obtaining actual knowledge or awareness of illegal~~ <u>after having become aware of the illegal nature of the</u> content <u>and thus obtaining actual knowledge or awareness</u> , act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of <u>a high level of consumer protection and of the Charter of Fundamental Rights, including</u> the principle of freedom	(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the ~~principle of~~ right to freedom of expression. The provider can obtain such actual knowledge or awareness ~~through, in particular,~~ , inter alia, through its own-initiative investigations, or notices submitted to it by	(22) In order to benefit from the exemption from liability for hosting services, the provider should, upon obtaining actual knowledge or awareness of illegal <u>activities or illegal</u> content, act expeditiously to remove or to disable access to that content. The removal or disabling of access should be undertaken in the observance of the ~~principle of~~ right to freedom of expression. The provider can obtain such actual knowledge or awareness ~~through, in particular,~~ through its own-initiative investigations, or notices

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	so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content.	of expression <u>and the right to receive and impart information and ideas without interference by public authority</u>. The provider can obtain ~~such~~ actual knowledge or awareness <u>of the illegal nature of the content</u> through, in particular, its own-initiative investigations or notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent ~~economic operator~~ <u>hosting service provider</u> to reasonably identify, assess and where appropriate act against the allegedly illegal content. <u>As long as providers act upon obtaining actual knowledge, they should benefit from the exemptions from liability referred to in this Regulation.</u>	individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content. However, such actual knowledge cannot be considered to be obtained solely on the ground that that provider is aware, in a general sense, of the fact that its service is also used to share illegal content and that it therefore has an abstract knowledge that such content is being made available illegally through its service. Furthermore, the fact that an provider automatically indexes content uploaded to its service, that it has a search function and that it recommends content on the basis of the profiles or preferences of the recipients of the service is not a sufficient ground for the conclusion that that provider has ‘specific’	submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content. However, such actual knowledge <u>or awareness</u> cannot be considered to be obtained solely on the ground that that provider is aware, in a general sense, of the fact that its service is also used to <u>store</u> share-illegal content and that it therefore has an abstract knowledge that such content is being made available illegally through its service. Furthermore, the fact that a provider automatically indexes content uploaded to its service, that it has a search function and that it recommends content on the basis of the profiles or preferences of the recipients of the service is not a sufficient ground for the conclusion that that provider has ‘specific’ knowledge of illegal activities

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			knowledge of illegal activities carried out on that platform or of illegal content stored on it.	carried out on that platform or of illegal content stored on it. Compared to WK 2734/2022 the proposed addition “through the assessment of the [notices]” is deleted
	Recital 22a			
33a			(22a) The exemption of liability should not apply where the recipient of the service is acting under the authority or the control of the provider of a hosting service. For example, where the provider of the online marketplace determines the price of the goods or services offered by the trader, it could be considered that the trader acts under the authority or control of that online marketplace.	(22a) The exemption of liability should not apply where the recipient of the service is acting under the authority or the control of the provider of a hosting service. For example, where the provider of the online marketplace determines the price of the goods or services offered by the trader, it could be considered that the trader acts under the authority or control of that online marketplace. Identical to the GA
	Recital 23			
34	(23) In order to ensure the effective protection of consumers when engaging in intermediated	(23) In order to ensure the effective protection of consumers when engaging in intermediated	(23) In order to ensure the effective protection of consumers when engaging in intermediated	(23) In order to ensure the effective protection of consumers when engaging in intermediated

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	commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, is should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average and reasonably well-informed consumer.	commercial transactions online, certain providers of hosting services, namely, online platforms that allow consumers to conclude distance contracts with traders, should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those online platforms present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online platforms themselves or by recipients of the service acting under their authority or control, and that those online platforms thus have knowledge of or control over the information, even if that may in reality not be the case. In that regard, is should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of ~~an average and reasonably well-informed consumer~~ <u>a consumer.</u> <u>Such a belief may arise, for example, where the online</u>	commercial transactions online, certain providers of hosting services, namely, online ~~platforms that allow consumers to conclude distance contracts with traders~~ marketplaces , should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those ~~online platforms~~ marketplaces present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online ~~platforms~~ marketplaces themselves or by recipients of the service acting under their authority or control, and that those online ~~platforms~~ marketplaces thus have knowledge of or control over the information, even if that may in reality not be the case. This could be, for example, the case where the online marketplace fails to display clearly the identity of the	commercial transactions online, certain providers of hosting services, namely, online ~~platforms that allow consumers to conclude distance contracts with traders~~ marketplaces , should not be able to benefit from the exemption from liability for hosting service providers established in this Regulation, in so far as those ~~online platforms~~ marketplaces present the relevant information relating to the transactions at issue in such a way that it leads consumers to believe that the information was provided by those online ~~platforms~~ marketplaces themselves or by recipients of the service acting under their authority or control, and that those online ~~platforms~~ marketplaces thus have knowledge of or control over the information, even if that may in reality not be the case. This could be, for example, the case where the online marketplace fails to display clearly the identity of the trader pursuant to this Regulation, where the online marketplace

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		<u>platform allowing distance contracts with traders fails to display clearly the identity of the trader pursuant to this Regulation, or is marketing the product or service in its own name rather than using the name of the trader who will supply it, or where the provider determines the final price of the goods or services offered by the trader.</u>	trader pursuant to this Regulation, where the online marketplace withholds such identity or contact details until after the conclusion of the trader-consumer contract, or is marketing the product or service in its own name rather than using the name of the trader who will supply it. In that regard, ~~is~~ it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average consumer who is reasonably well informed and reasonably ~~well-informed~~ consumer-observant and circumspect.	withholds such identity or contact details until after the conclusion of the trader-consumer contract, or is marketing the product or service in its own name rather than using the name of the trader who will supply it. In that regard, ~~is~~ it should be determined objectively, on the basis of all relevant circumstances, whether the presentation could lead to such a belief on the side of an average consumer who is reasonably well informed and reasonably ~~well-informed~~ consumer-observant and circumspect. Identical to the GA
	Recital 24			
35	(24) The exemptions from liability established in this Regulation should not affect the possibility of injunctions of different kinds against providers of intermediary services, even where they meet the conditions set out as	(24) The exemptions from liability established in this Regulation should not affect the possibility of injunctions of different kinds against providers of intermediary services, even where they meet the conditions set out as	(24) The exemptions from liability established in this Regulation should not affect the possibility of injunctions of different kinds against providers of intermediary services, even where they meet the conditions	(24) The exemptions from liability established in this Regulation should not affect the possibility of injunctions of different kinds against providers of intermediary services, even where they meet the conditions

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

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	that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.	good faith and in a diligent manner <u>and are accompanied with additional safeguards against over-removal of legal content.</u> <u>Providers of intermediary services should make best efforts to ensure that where automated tools are used for content moderation, the technology is sufficiently reliable to limit to the maximum extent possible the rate of errors where information is wrongly considered as illegal content.</u> In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider	manner. In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon. Voluntary actions should not be used to circumvent the obligations of all providers of intermediary services under this Regulation.	<u>The condition of acting in good faith and in a diligent manner should include acting in an objective and proportionate manner, with due regard to the rights and legitimate interests of all parties involved, and providing the necessary safeguards against unjustified removal of legal content, in accordance with the objectives and requirements of this Regulation. To that aim, the providers concerned should, for example, take reasonable measures to ensure that, where automated tools are used to conduct such activities, the technology is sufficiently reliable to limit to the maximum extent possible the rate of errors.</u> In addition, it is appropriate to clarify that the mere fact that those providers take measures, in good faith, to comply with the requirements of Union law, including those set out in this Regulation as regards the implementation of their terms and conditions, should not lead to the unavailability of those exemptions

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		provides its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon.		from liability. Therefore, any such activities and measures that a given provider may have taken should not be taken into account when determining whether the provider can rely on an exemption from liability, in particular as regards whether the provider ~~provides~~ offers its service neutrally and can therefore fall within the scope of the relevant provision, without this rule however implying that the provider can necessarily rely thereon. Voluntary actions should not be used to circumvent the obligations of all providers of intermediary services under this Regulation.
Recital 26				
37	(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be	(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online should not be	(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online	(26) Whilst the rules in Chapter II of this Regulation concentrate on the exemption from liability of providers of intermediary services, it is important to recall that, despite the generally important role played by those providers, the problem of illegal content and activities online

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	dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the actor that has the	dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed <u>and open</u> online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the ~~actor~~ <u>specific</u>	should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services providers, including providers of intermediary services, any requests or orders for such	should not be dealt with by solely focusing on their liability and responsibilities. Where possible, third parties affected by illegal content transmitted or stored online should attempt to resolve conflicts relating to such content without involving the providers of intermediary services in question. Recipients of the service should be held liable, where the applicable rules of Union and national law determining such liability so provide, for the illegal content that they provide and may disseminate through intermediary services. Where appropriate, other actors, such as group moderators in closed online environments, in particular in the case of large groups, should also help to avoid the spread of illegal content online, in accordance with the applicable law. Furthermore, where it is necessary to involve information society services providers, including providers of intermediary services, any requests or orders for such involvement should, as a general rule, be directed to the

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

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	out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top–level domain name registries, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service.	out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, <u>and among others</u>, wireless local area networks, domain name system (DNS) services, top–level domain name registries, certificate authorities that issue digital certificates, <u>Virtual Private Networks, cloud infrastructure services</u>, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service.	out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top–level domain name registries, registrars, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service.	out in this Regulation, to the extent that their services qualify as ‘mere conduits’, ‘caching’ or hosting services. Such services include, as the case may be, wireless local area networks, domain name system (DNS) services, top–level domain name registries, registrars, certificate authorities that issue digital certificates, or content delivery networks, that enable or improve the functions of other providers of intermediary services. Likewise, services used for communications purposes, and the technical means of their delivery, have also evolved considerably, giving rise to online services such as Voice over IP, messaging services and web-based e-mail services, where the communication is delivered via an internet access service. Those services, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service. Identical to the GA

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	Recital 27a			
38a		<u>(27a) A single webpage or website may include elements that qualify differently between ‘mere conduit’, ‘caching’ or hosting services and the rules for exemptions from liability should apply to each accordingly. For example, a search engine could act solely as a ‘caching’ service as to information included in the results of an inquiry. Elements displayed alongside those results, such as online advertisements, would however still qualify as a hosting service.</u>	(27a) Intermediary services span a wide range of economic activities which take place online and that develop continually to provide for transmission of information that is swift, safe and secure, and to ensure convenience of all participants of the online ecosystem. For example, ‘Mere conduit’ intermediary services include generic categories of services such as internet exchange points, wireless access points, virtual private networks, domain name system (DNS) services and resolvers, top–level domain name registries, registrars, certificate authorities that issue digital certificates, voice over IP and other interpersonal communication services, while generic examples of ‘caching’ intermediary services include the sole provision of content delivery networks, reverse proxies or content adaptation proxies. Such services are	(27a) Intermediary services span a wide range of economic activities which take place online and that develop continually to provide for transmission of information that is swift, safe and secure, and to ensure convenience of all participants of the online ecosystem. For example, ‘Mere conduit’ intermediary services include generic categories of services such as internet exchange points, wireless access points, virtual private networks, domain name system (DNS) services and resolvers, top–level domain name registries, registrars, certificate authorities that issue digital certificates, voice over IP and other interpersonal communication services, while generic examples of ‘caching’ intermediary services include the sole provision of content delivery networks, reverse proxies or content adaptation proxies. Such services are crucial to

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			crucial to ensure smooth and efficient transition of information delivered on the internet. The same applies to online search engines in view of their important role in locating information online. Examples of "hosting services" include categories of services such as cloud computing, web hosting, paid referencing services or services enabling sharing information and content online, including file storage and sharing. Intermediary services may be provided in isolation, as a part of another type of intermediary service, or simultaneously with other intermediary services. Whether a specific service constitutes a mere conduit, caching, hosting or online search engine service depends solely on its technical functionalities, that might evolve in time, and should be assessed on a case-by-case basis.	ensure smooth and efficient transition of information delivered on the internet. The same applies to online search engines in view of their important role in locating information online. Examples of "hosting services" include categories of services such as cloud computing, web hosting, paid referencing services or services enabling sharing information and content online, including file storage and sharing. Intermediary services may be provided in isolation, as a part of another type of intermediary service, or simultaneously with other intermediary services. Whether a specific service constitutes a mere conduit, caching, hosting or online search engine service depends solely on its technical functionalities, that might evolve in time, and should be assessed on a case-by-case basis. Identical to the GA
	Recital 28			
Y	39			Y

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	(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. This does not concern monitoring obligations in a specific case and, in particular, does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.	(28) Providers of intermediary services should not be subject to a monitoring obligation, <u>neither de jure, nor de facto</u> with respect to obligations of a general nature. This does not concern <u>specific and properly identified</u> monitoring obligations in a specific case, <u>where set out in Union acts</u> and, in particular, does not affect orders by national authorities in accordance with national legislation <u>that implement Union legal acts</u>, in accordance with the conditions established in this Regulation <u>and other Union law considered as lex specialis</u>. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content. <u>Equally, Member States should not prevent providers of intermediary services from providing end-to-end encrypted services. Applying effective end-to-end encryption to data is essential for trust in and security</u>	(28) Providers of intermediary services should not be subject to a monitoring obligation with respect to obligations of a general nature. For instance, any monitoring obligation that requires the providers of intermediary services to perform a general search of all content in order to find any potential illegal content, or that puts excessive burdens or requires unreasonable or excessive resources and measures by the providers of intermediary services, should be considered a general monitoring obligation. This should not prevent~~This does not concern~~ monitoring obligations ~~in of a specific case and, in particular,~~ provided that they meet the principles of proportionality and necessity, are in conformity with the conditions as set out by any relevant Union law, including the Charter, as interpreted by the Court of Justice of the European Union, and the illegality of the content in	(28) Providers of intermediary services should not be subject to a monitoring obligation, <u>neither de jure, nor de facto</u> with respect to obligations of a general nature. For instance, any monitoring obligation that requires the providers of intermediary services to perform a general search of all content in order to find any potential illegal content, or that puts excessive burdens or requires unreasonable or excessive resources and measures by the providers of intermediary services, should be considered a general monitoring obligation. This should not prevent~~This does not concern~~ monitoring obligations ~~in of a specific case and, in particular,~~ provided that they meet the principles of proportionality and necessity, are in conformity with the conditions as set out by any relevant Union law, including the Charter, as interpreted by the Court of Justice of the European Union, and the illegality of the content

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		<u>on the Internet, and effectively prevents unauthorised third party access. Furthermore, to ensure effective digital privacy, Member States should not impose a general obligation on providers of intermediary services to limit the anonymous use of their services. In accordance with the principle of data minimisation and in order to prevent unauthorised disclosure, identity theft and other forms of abuse of personal data, recipients should have the right to use and pay for services anonymously wherever reasonable efforts can make this possible. This should apply without prejudice to the obligations in Union law on the protection of personal data. Providers can enable anonymous use of their services by refraining from collecting personal data regarding the recipient and their online activities and by not preventing recipients from using anonymising networks for accessing the service. Anonymous payment can take place for example by paying in cash, by</u>	question has been established by a court or is manifest, insofar this does not compel the provider of an intermediary service to carry out an independent assessment of that specific content. The ban of general monitoring obligation does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Such orders should not consist in requiring a service provider to introduce, exclusively at its own expense, a screening system which entails general and permanent monitoring in order to prevent any future infringement. However, such orders may require a provider of hosting services to remove information which it stores, the content of which is identical or equivalent to the content of information which was previously declared to be unlawful, or to block access to that information, irrespective of who requested the storage of	in question has been established by a court or is manifest, insofar this does not compel the provider of an intermediary service to carry out an independent assessment of that specific content. The ban of general monitoring obligation does not affect orders by national authorities in accordance with national legislation, in accordance with the conditions established in this Regulation. Such orders should not consist in requiring a service provider to introduce, exclusively at its own expense, a screening system which entails general and permanent monitoring in order to prevent any future infringement. However, such orders may require a provider of hosting services to remove information which it stores, the content of which is identical or equivalent to the content of information which was previously declared to be unlawful, or to block access to that information, irrespective of who requested the storage of that information,

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		<u>using cash-paid vouchers or prepaid payment instruments.</u>	that information, provided that the monitoring of and search for the information concerned is limited to information properly identified in the order, such as the name of the person concerned by the infringement determined previously, the circumstances in which that infringement was determined and equivalent content to that which was declared to be illegal, and does not require the provider of hosting services to carry out an independent assessment of that content, as interpreted by the Court of Justice of the European Union. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or a general active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content.	provided that the monitoring of and search for the information concerned is limited to information properly identified in the order, such as the name of the person concerned by the infringement determined previously, the circumstances in which that infringement was determined and equivalent content to that which was declared to be illegal, and does not require the provider of hosting services to carry out an independent assessment of that content, as interpreted by the Court of Justice of the European Union. Nothing in this Regulation should be construed as an imposition of a general monitoring obligation or a general active fact-finding obligation, or as a general obligation for providers to take proactive measures to relation to illegal content. Identical to the GA
	Recital 29			
Y	40	(29) Depending on the legal	(29) Depending on the legal	(29) Depending on the legal

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	system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders.	system of each Member State and the field of law at issue, national judicial or administrative authorities may order providers of intermediary services to act against certain specific items of illegal content or to provide certain specific items of information. The national laws <u>in conformity with Union law, including the Charter</u> on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the <u>effective</u> processing of those orders.	system of each Member State and the field of law at issue, national judicial or administrative authorities, including law enforcement authorities, may order providers of intermediary services to act against ~~certain~~one or more specific items of illegal content or to provide certain specific ~~items~~ of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, in particular in a cross-border context, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements	system of each Member State and the field of law at issue, national judicial or administrative authorities, including law enforcement authorities, may order providers of intermediary services to act against ~~certain~~one or more specific items of illegal content or to provide certain specific ~~items~~ of information. The national laws on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations. In order to ensure that those orders can be complied with in an effective and efficient manner, in particular in a cross-border context, so that the public authorities concerned can carry out their tasks and the providers are not subject to any disproportionate burdens, without unduly affecting the rights and legitimate interests of any third parties, it is necessary to set certain conditions that those orders should meet and certain complementary requirements relating to the processing of those orders. This Regulation

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			relating to the processing of those orders. This Regulation harmonises only certain specific minimum conditions that such orders should fulfil in order to make the obligation of providers to inform on the effect given to those orders, applicable in accordance with this Regulation. Therefore, this Regulation does not provide a legal basis for the issuing of such orders nor for their territorial scope or cross-border enforcement. The applicable Union or national law on the basis of which those orders are issued, may require additional conditions and should also be the basis for the enforcement of the respective orders. In case of non-compliance with such orders, the issuing Member State should be able to enforce them in accordance with its national law. The applicable national laws should be in compliance with Union law, including the Charter and the Treaty provisions on the freedom of	harmonises only certain specific minimum conditions that such orders should fulfil in order to make the obligation of providers to inform on the effect given to those orders, applicable in accordance with this Regulation. Therefore, this Regulation does not provide a legal basis for the issuing of such orders nor for their territorial scope or cross-border enforcement. The applicable Union or national law on the basis of which those orders are issued, may require additional conditions and should also be the basis for the enforcement of the respective orders. In case of non-compliance with such orders, the issuing Member State should be able to enforce them in accordance with its national law. The applicable national laws should be in compliance with Union law, including the Charter and the Treaty provisions on the freedom of establishment and to provide services within the Union, in particular with regard

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			establishment and to provide services within the Union, in particular with regard to online gambling and betting services. The application of those national laws for the enforcement of the respective orders is without prejudice to applicable Union legal acts or international agreements concluded by the Union or by Member States relating to the cross-border recognition, execution and enforcement of those orders, in particular in civil and criminal matters. The requirements relating to the obligation to inform on the processing of those orders, which are laid down in this Regulation, should be subject to the rules in Chapter IV. The provider of intermediary services should inform the issuing authority about the effect given to the orders without undue delay after executing the requested actions in compliance with the deadlines set out in the relevant Union or national law. If, in	to online gambling and betting services. The application of those national laws for the enforcement of the respective orders is without prejudice to applicable Union legal acts or international agreements concluded by the Union or by Member States relating to the cross-border recognition, execution and enforcement of those orders, in particular in civil and criminal matters. The requirements relating to the obligation to inform on the processing of those orders, which are laid down in this Regulation, should be subject to the rules in Chapter IV. The provider of intermediary services should inform the issuing authority about the effect given to the orders without undue delay after executing the requested actions in compliance with the deadlines set out in the relevant Union or national law. If, in exceptional cases, the provider of intermediary services cannot comply with the order, such

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			exceptional cases, the provider of intermediary services cannot comply with the order, such information should be accompanied by the reasons for not complying with the order, including the reasons why the conditions of the order have not been fulfilled or where applicable, objectively justifiable technical and operational reasons for non-execution and a request for further information and clarification. The requirements to provide information on redress available to the provider of the service and to the recipient of the service who provided the content, includes a requirement to provide information about administrative complaint handling mechanisms and judicial redress including appeals against orders issued by judicial authorities.	information should be accompanied by the reasons for not complying with the order, including the reasons why the conditions of the order have not been fulfilled or where applicable, objectively justifiable technical and operational reasons for non-execution and a request for further information and clarification. The requirements to provide information on redress available to the provider of the service and to the recipient of the service who provided the content, includes a requirement to provide information about administrative complaint handling mechanisms and judicial redress including appeals against orders issued by judicial authorities.
	Recital 30			
Y	41	(30) Orders to act against illegal	(30) Orders to act against illegal	(30) Relevant national

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	content or to provide information should be issued in compliance with Union law, in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and	content or to provide information should be issued in compliance with Union law, <u>including the Charter and</u> in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... ~~proposed~~ <u>Regulation 2021/784 on</u> addressing the dissemination of terrorist content online~~7~~, or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for	authorities should be able to issue such orders against content considered illegal or orders to provide information on the basis of Union or its national laws, in compliance with Union law, and address them to providers of intermediary services, including those which are established in another Member State. Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular the Charter. However, this should be without prejudice to Union law in the field of judicial cooperation in civil or criminal matters, including Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and Regulation (EU) .../... on European production and preservation orders for	authorities should be able to issue such orders against content considered illegal or orders to provide information on the basis of Union or its national laws, in compliance with Union law, and address them to providers of intermediary services, including those which are established in another Member State. Orders to act against illegal content or to provide information should be issued in compliance with Union law, in particular the Charter. However, this should be without prejudice to Union law in the field of judicial cooperation in civil or criminal matters, including Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters and Regulation (EU) .../... on European production and preservation orders for electronic evidence in criminal matters, and to national

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	requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.	similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information.	electronic evidence in criminal matters, and to national criminal or civil procedural law. Therefore where those laws in the context of criminal or civil proceedings, provide for additional or incompatible conditions than those provided for this Regulation in relation to orders to act against illegal content or to provide information, the conditions provided for in this Regulation may not apply or may be adapted. In particular, the obligation on the Digital Services Coordinator from the Member State of the issuing authority to transmit a copy of the orders to all other Digital Services Coordinators may not apply in the context of criminal proceedings or may be adapted, where the applicable national criminal procedural laws so provide. Furthermore, the obligation for the orders to contain a statement of reasons explaining why the information is illegal content, may be adapted where necessary under	criminal or civil procedural law. Therefore where those laws in the context of criminal or civil proceedings, provide for additional or incompatible conditions than those provided for this Regulation in relation to orders to act against illegal content or to provide information, the conditions provided for in this Regulation may not apply or may be adapted. In particular, the obligation on the Digital Services Coordinator from the Member State of the issuing authority to transmit a copy of the orders to all other Digital Services Coordinators may not apply in the context of criminal proceedings or may be adapted, where the applicable national criminal procedural laws so provide. Furthermore, the obligation for the orders to contain a statement of reasons explaining why the information is illegal content, may be adapted where necessary under the applicable national criminal procedural laws for the

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			the applicable national criminal procedural laws for the prevention, investigation, detection and prosecution of criminal offences. Finally, the obligation on the providers of intermediary services to inform the recipient of the service may be delayed in accordance with the applicable laws, in particular in the context of criminal, civil or administrative proceedings. In addition, the orders should be issued in compliance with Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed 2021/784, Regulation	prevention, investigation, detection and prosecution of criminal offences. Finally, the obligation on the providers of intermediary services to inform the recipient of the service may be delayed in accordance with the applicable laws, in particular in the context of criminal, civil or administrative proceedings. In addition, the orders should be issued in compliance with Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed 2021/784, Regulation addressing the dissemination of terrorist content online], or (EU)

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			addressing the dissemination of terrorist content online], or (EU) 2019/1020, or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information. The conditions and requirements for orders to act against illegal content under this Regulation should not affect the possibility for Member States to require a provider of intermediary services to prevent an infringement, in compliance	2019/1020, or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should be without prejudice to retention and preservation rules under applicable national law, in conformity with Union law and confidentiality requests by law enforcement authorities related to the non-disclosure of information. The conditions and requirements for orders to act against illegal content under this Regulation should not affect the possibility for Member States to require a provider of intermediary services to prevent an infringement, in compliance with this Regulation, in particular the prohibition of general monitoring obligations,

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			with this Regulation, in particular the prohibition of general monitoring obligations, and with Union law as interpreted by the Court of Justice of the European Union. Such conditions and requirements should be fulfilled at the latest when the order is transmitted to the provider concerned. The order may be adopted in one of the official languages of the issuing authority of the Member State. Where this language is different from the language declared by the provider of intermediary services or from another official language of the Union, bilaterally agreed between the authority issuing the order and the provider of intermediary services, the transmission of the order should be accompanied by a translation of at least the elements of the order which are set out in this Regulation. Where a provider of intermediary services has bilaterally agreed to use a	and with Union law as interpreted by the Court of Justice of the European Union. Such conditions and requirements should be fulfilled at the latest when the order is transmitted to the provider concerned. The order may be adopted in one of the official languages of the issuing authority of the Member State. Where this language is different from the language declared by the provider of intermediary services or from another official language of the Union, bilaterally agreed between the authority issuing the order and the provider of intermediary services, the transmission of the order should be accompanied by a translation of at least the elements of the order which are set out in this Regulation. Where a provider of intermediary services has bilaterally agreed to use a certain language with the authorities of a Member State, it is encouraged to accept orders in the same language issued by

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			certain language with the authorities of a Member State, it is encouraged to accept orders in the same language issued by authorities in other Member States.	authorities in other Member States.
Recital 31				
42	(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the	(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law <u>in conformity with Union law, including Directive 2000/31/EC and the Charter</u> , enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. ~~In addition~~ <u>Exceptionally</u> ,	(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority, including a law enforcement authority , issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In	(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority, including a law enforcement authority , issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In ~~addition~~ , ~~where the order referring to the~~

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	Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.	where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or international law and the interests of international comity.	addition, where the order referring to the specific information may have effects beyond particular in a cross-border context, the effect of the order should be limited to the territory of the issuing Member State, unless the illegality of the content derives directly from Union law or the issuing authority considers that the rights at stake require a wider territorial scope, in accordance with of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or and international law, including and the interests of international comity.	specific information may have effects beyond particular in a cross-border context, the effect of the order should be limited to the territory of the issuing Member State, unless the illegality of the content derives directly from Union law or the issuing authority considers that the rights at stake require a wider territorial scope, in accordance with of the authority concerned, the authority should assess whether the information at issue is likely to constitute illegal content in other Member States concerned and, where relevant, take account of the relevant rules of Union law or and international law, including and the interests of international comity.
	Recital 32			
43	(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the	(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the	(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual	(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the

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	intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.	intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information. <u>Member States should ensure full implementation of the Union legal framework on confidentiality of communications and online privacy, as well as on protection of natural persons with regard to the processing of personal data enshrined in Directive (EU) 2016/680. In particular, Member States should respect the rights of individuals and journalists and refrain from seeking information which could harm media freedom or freedom of expression.</u>	recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Such orders could request information aiming to enable the identification of the recipients of the service concerned. Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.	intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. Such orders could request information aiming to enable the identification of the recipients of the service concerned. Therefore, orders about information on a group of recipients of the service who are not specifically identified, including orders to provide aggregate information required for statistical purposes or evidence-based policy-making, should remain unaffected by the rules of this Regulation on the provision of information.

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	Recital 33			
44	(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is	(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information, <u>as defined in Union or national law in compliance with Union law</u>, respectively, where they are addressed to providers of intermediary services established in another Member State, they ~~do~~<u>should</u> not in principle restrict those providers' freedom to provide their services across borders. ~~Therefore, the rules set out in Article 3 of Directive 2000/31/EC~~<u>The competent authority should transmit the</u>	(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State	(33) Orders to act against illegal content and to provide information are subject to the rules safeguarding the competence of the Member State where the service provider addressed is established and laying down possible derogations from that competence in certain cases, set out in Article 3 of Directive 2000/31/EC, only if the conditions of that Article are met. Given that the orders in question relate to specific items of illegal content and information, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State

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	established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.	<u>orders to act against illegal content and to provide information directly to the relevant addressee by any electronic means capable of producing a written record under conditions that allow the service provider to establish authenticity, including the accuracy of the date and the time of sending and receipt of the order, such as by secured email and platforms or other secured channels</u>, including those ~~regarding the need to justify measures derogating from the competence~~ <u>made available by the service provider, in line with the rules protecting personal data.</u> <u>This requirement should notably be met by the use of qualified electronic registered delivery services as provided for by Regulation (EU) No 910/2014</u> of the ~~Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders~~ <u>European Parliament and of the Council.</u> <u>This Regulation should be</u>	where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.	where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders.

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		<u>without prejudice to the rules on the mutual recognition and enforcement of judgements, namely as regards the right to refuse recognition and enforcement of an order to act against illegal content, in particular where such an order is contrary to the public policy in the Member State where recognition or enforcement is sought.</u>		
	Recital 33a			
44a		<u>(33a) This Regulation should not prevent the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, to issue an order to restore content, where such content has been in compliance with the terms and conditions of the intermediary service provider, but has been erroneously considered as illegal by the service provider and has been removed.</u>	(33a) This Regulation does not prevent the relevant national judicial and administrative authorities, on the basis of national or Union law, from issuing orders to restore one or more specific items of legal content which is in conformity with the terms and conditions of a given provider of intermediary services but has been removed.	(33a) This Regulation does not prevent the relevant national judicial and administrative authorities, on the basis of national or Union law, from issuing orders to restore one or more specific items of legal content which is in conformity with the terms and conditions of a given provider of intermediary services but has been removed.

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Recital 33b			
44b		<u>(33b) To ensure the effective implementation of this Regulation, orders to act against illegal content and to provide information should comply with Union law, including with the Charter. The Commission should provide an effective response to breaches of Union law through infringement proceedings.</u>		Identical to the GA
	Recital 34			
45	(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including	(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear, <u>effective, predictable</u> and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as <u>a high level of consumer</u>	(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the	(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure a safe and transparent online environment, it is necessary to establish a clear and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	minors and vulnerable users, protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.	<u>protection</u> , the safety and trust of the recipients of the service, including minors and vulnerable users, ~~protect the~~ <u>the protection of</u> relevant fundamental rights enshrined in the Charter, ~~to ensure~~ <u>the</u> meaningful accountability of those providers and ~~to empower~~ <u>the empowerment of</u> recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.	service, including minors and users at particular risk of being subject to hate speech, sexual harassments or other discriminatory actions ~~vulnerable users~~ , protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.	minors and users at particular risk of being subject to hate speech, sexual harassments or other discriminatory actions ~~vulnerable users~~ , protect the relevant fundamental rights enshrined in the Charter, to ensure meaningful accountability of those providers and to empower recipients and other affected parties, whilst facilitating the necessary oversight by competent authorities.
Recital 35				
46	(35) In that regard, it is important that the due diligence obligations are adapted to the type and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, online platforms and very large online platforms. To the extent that providers of	(35) In that regard, it is important that the due diligence obligations are adapted to the type, <u>nature and size</u> ~~and nature~~ of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, online platforms and very large online platforms. To the extent that	(35) In that regard, it is important that the due diligence obligations are adapted to the type, size and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, providers of online platforms and of very large	(35) In that regard, it is important that the due diligence obligations are adapted to the type, size and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, providers of online platforms and of very large online

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation. Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights online.	providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation <u>in relation to those services</u> . Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights online.	online platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation. Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights enshrined in the Charter online. The due diligence obligations are compatible with and independent from the question of liability of intermediaries which need therefore to be assessed separately. As such, intermediary services could be exempt from liability for third party content or activities regardless of whether they have been considered to comply with their due diligence	platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation. Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights enshrined in the Charter online. The due diligence obligations are compatible with and independent from the question of liability of intermediaries which need therefore to be assessed separately. As such, intermediary services could be exempt from liability for third party content or activities regardless of whether they have been considered to comply with their due diligence obligations. Identical to the GA

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			obligations.	
	Recital 36			
47	(36) In order to facilitate smooth and efficient communications relating to matters covered by this Regulation, providers of intermediary services should be required to establish a single point of contact and to publish relevant information relating to their point of contact, including the languages to be used in such communications. The point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. In contrast to the legal representative, the point of contact should serve operational purposes and should not necessarily have a physical location .	(36) In order to facilitate smooth and efficient communications relating to matters covered by this Regulation, providers of intermediary services should be required to ~~establish~~<i>designate</i> a single point of contact and to publish relevant <i>and up to date</i> information relating to their point of contact, including the languages to be used in such communications. <i>Such information should be notified to the Digital Service Coordinator in the Member State of establishment.</i> The point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. <i>It should be possible that this contact point is the same contact point as required under other Union acts.</i> In contrast to the legal representative, the point of contact should serve operational purposes	(36) In order to facilitate smooth and efficient two-way communications, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of intermediary services should be required to ~~establish~~<i>designate</i> a single electronic point of contact and to publish relevant information relating to ~~their~~<i>that</i> point of contact, including the languages to be used in such communications. The electronic point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. In contrast to the legal representative, the electronic point of contact should serve operational purposes and should not ~~necessarily have~~<i>be required</i> to have a physical location.	(36) In order to facilitate smooth and efficient two-way communications, including, where relevant, by acknowledging the receipt of such communications, relating to matters covered by this Regulation, providers of intermediary services should be required to ~~establish~~<i>designate</i> a single electronic point of contact and to publish relevant <i>and up to date</i> information relating to ~~their~~<i>that</i> point of contact, including the languages to be used in such communications. The electronic point of contact can also be used by trusted flaggers and by professional entities which are under a specific relationship with the provider of intermediary services. <i>Providers of intermediary services may designate the same single point of contact for the requirements of this Regulation as well as for another single point of contact as</i>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		and should not necessarily have to have a physical location-.	When specifying the languages of communication, providers of intermediary services are encouraged to ensure that the languages chosen do not per se constitute an obstacle to communication. Where necessary, providers of intermediary services and Member States' authorities may reach a separate agreement on the language of communication, or seek alternative means to overcome the language barrier, including by using all available technological means or internal and external human resources-.	<u>required under other Union law.</u> In contrast to the legal representative, the electronic point of contact should serve operational purposes and should not necessarily have to be required to have a physical location. When specifying the languages of communication, providers of intermediary services are encouraged to ensure that the languages chosen do not per se constitute an obstacle to communication. Where necessary, providers of intermediary services and Member States' authorities may reach a separate agreement on the language of communication, or seek alternative means to overcome the language barrier, including by using all available technological means or internal and external human resources.
	Recital 36a			
Y 47a		<u>(36a) Providers of intermediary services should also be required to designate a single point of contact for recipients of services, which allows rapid, direct and</u>		<u>(36a) Providers of intermediary services should also be required to designate a single electronic point of contact for recipients of services. This point of contact</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>efficient communication in particular by easily accessible means such as telephone number, email addresses, electronic contact forms, chatbots or instant messaging. It should be explicitly indicated when a user communicates with chatbots. To facilitate rapid, direct and efficient communication, recipients of services should not be faced with lengthy phone menus or hidden contact information. In particular, phone menus should always include the option to speak to a human. Providers of intermediary services should allow recipients of services to choose means of direct and efficient communication which do not solely rely on automated tools. This requirement should not affect the internal organisation of providers of intermediary services, including the ability to use third-party services to provide this communication system, such as external service providers and call centres.</u>	PUBLIC	<u>shall enable the recipients of the service to communicate directly and rapidly with them, by electronic means and in a user-friendly manner. Providers of intermediary services should allow recipients of services to choose means of direct and efficient electronic communication which do not solely rely on automated tools.</u> the reference : “means of communication such as telephone number, email addresses, electronic contact forms, chatbots or instant messaging as well as the physical address of the customer service center of the provider of intermediary services “ is deleted ;

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Recital 37			
48	(37) Providers of intermediary services that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are complied with.	(37) Providers of intermediary services that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives, so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers. It should be possible for the legal representative to also function as point of contact, provided the relevant requirements of this Regulation are complied with. <u><i>It should be possible that a legal representative is mandated by more than one provider of intermediary services, in accordance with national law, provided that such providers qualify as micro, small or medium sized enterprises as defined in Recommendation 2003/361/EC.</i></u>	(37) Providers of intermediary services that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives. In order to comply with this obligation, moreover, the providers of intermediary services should ensure that the designated legal representative has the necessary powers and resources to cooperate with the relevant authorities. This could be the case, for example, where a provider of intermediary services appoints a subsidiary undertaking of the same group of the provider, or a fortiori its parent undertaking, if they are established in the Union. However, it might not be the case, for instance, when the legal representative is subject to reconstruction proceedings, bankruptcy, personal or corporate insolvency. This	(37) Providers of intermediary services that are established in a third country that offer services in the Union should designate a sufficiently mandated legal representative in the Union and provide information relating to their legal representatives. In order to comply with this obligation, moreover, the providers of intermediary services should ensure that the designated legal representative has the necessary powers and resources to cooperate with the relevant authorities. This could be the case, for example, where a provider of intermediary services appoints a subsidiary undertaking of the same group of the provider, or a fortiori its parent undertaking, if they are established in the Union. However, it might not be the case, for instance, when the legal representative is subject to reconstruction proceedings, bankruptcy, personal or corporate insolvency. This

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			~~should~~ ~~so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers~~ by the Board, the Commission and the national competent authorities, or any other authorities applying enforcement powers pursuant to this Regulation. It should be possible for the legal representative to also function as electronic point of contact, provided the relevant requirements of this Regulation are complied with.	~~should~~ ~~so as to allow for the effective oversight and, where necessary, enforcement of this Regulation in relation to those providers~~ by the Board, the Commission and the national competent authorities, or any other authorities applying enforcement powers pursuant to this Regulation. It should be possible for the legal representative to also function as electronic point of contact, provided the relevant requirements of this Regulation are complied with. Identical to the GA
Recital 38				
49	(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair	(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of <u>protecting fundamental rights, in particular freedom of expression and of</u>	(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of	(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	or arbitrary outcomes.	<u>information</u>, transparency, the protection of recipients of the service and the avoidance of <u>discriminatory</u>, unfair or arbitrary outcomes. <u>In particular, it is important to ensure that terms and conditions are drafted in a clear and unambiguous language in line with applicable Union and national law. The terms and conditions should include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making, human review, as well as on the right to terminate the use of the service. Providers of intermediary services should also provide recipients of services with a concise and easily readable summary of the main elements of the terms and conditions, including the remedies available, using, where appropriate graphical elements, such as icons.</u>	unfair or arbitrary outcomes. Providers of the intermediary services should clearly include and maintain up to date in their terms and conditions the grounds on the basis of which they may restrict the provision of their service. When designing, applying and enforcing those restrictions providers of intermediary service should take into account the rights and legitimate interests of the recipients of the service, including fundamental rights as enshrined in the Charter. For example, providers of very large online platforms should in particular pay due regard to freedom of expression and information, including media freedom and pluralism. All providers of intermediary services should pay regard to international standards for the protection of human rights, such as the UN Guiding Principles on Business and Human Rights, which can provide guidance to observe	unfair or arbitrary outcomes. <u>In particular, it is important to ensure that terms and conditions are drafted in a clear and unambiguous language in line with applicable Union and national law. Providers of intermediary services may use graphical elements such as icons or images to illustrate the main elements of the information requirements.</u> Providers of the intermediary services should clearly include and maintain up to date in their terms and conditions the grounds on the basis of which they may restrict the provision of their service. When designing, applying and enforcing those restrictions providers of intermediary service should take into account the rights and legitimate interests of the recipients of the service, including fundamental rights as enshrined in the Charter. For example, <u>providers of intermediary services</u> should in particular pay due regard to freedom of expression and information, including media

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			the applicable fundamental rights. Providers of intermediary services that are primarily aimed at minors below the age of 18 years, for example through the design or marketing of the service, or which are used predominantly by a large number of minors, should make particular efforts to render the explanation of their terms and conditions easily understandable to minors.	freedom and pluralism. All providers of intermediary services should pay regard to international standards for the protection of human rights, such as the UN Guiding Principles on Business and Human Rights, which can provide guidance to observe the applicable fundamental rights. Providers of intermediary services that are primarily aimed at minors below the age of 18 years, for example through the design or marketing of the service, or which are used predominantly by a large number of minors, should make particular efforts to render the explanation of their terms and conditions easily understandable to minors. Identical to the GA
	Recital 39			
50	(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in	(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should ~~annually~~ <u>draw up an</u>	(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should	(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC.¹ 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	<u>annual</u> report <u>in a standardised and machine-readable format</u>, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC <u>¹ which do not also qualify as very large online platforms.</u>⁺ 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC¹ and which are not very large online platforms in accordance with this Regulation.⁺ 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a result of the application and enforcement of their terms and conditions. However, so as to avoid disproportionate burdens, those transparency reporting obligations should not apply to providers that are micro- or small enterprises as defined in Commission Recommendation 2003/361/EC¹ and which are not very large online platforms in accordance with this Regulation.⁺ 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36). Identical to the GA
	Recital 39a			
R	50a			Identical to the GA

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>(39a) Recipients of a service should be able to make a free, autonomous and informed decisions or choices when using a service and providers of intermediary services shall not use any means, including via its interface, to distort or impair that decision-making. In particular, recipients of the service should be empowered to make such decision sinter alia regarding the acceptance of and changes to terms and conditions, advertising practices, privacy and other settings, recommender systems when interacting with intermediary services. However, certain practices typically exploit cognitive biases and prompt recipients of the service to purchase goods and services that they do not want or to reveal personal information they would prefer not to disclose. Therefore, providers of intermediary services should be prohibited from deceiving or nudging recipients of the service and from distorting or impairing the autonomy, decision-making, or choice of the</u>		

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>recipients of the service via the structure, design or functionalities of an online interface or a part thereof ('dark patterns'). This should include, but should not be limited to, exploitative design choices to direct the recipient to actions that benefit the provider of intermediary services, but which may not be in the recipients' interests, presenting choices in a non-neutral manner, such as giving more visual prominence to a consent option, repetitively requesting or urging the recipient to make a decision such as making the procedure of cancelling a service significantly more cumbersome than signing up to it. However, rules preventing dark patterns should not be understood as preventing providers to interact directly with users and to offer new or additional services to them. In particular it should be possible to approach a user again in a reasonable time, even if the user had denied consent for specific data processing purposes, in</u>		

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>accordance with Regulation (EU) 2016/679. The Commission should be empowered to adopt a delegated act to define practices that could be considered as dark patterns.</u>		
	Recital 39b			
R 50b		<u>(39b) To ensure an efficient and adequate application of the obligation on traceability of business users, without imposing any disproportionate burdens, the intermediary service providers covered should carry out due diligence checks prior to the use of their service to verify the reliability of the information provided by the business user concerned, in particular by using freely accessible official online databases or online interfaces, such as national trade registers or by requesting the business user concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may</u>		Identical to the GA

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		<u>also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation.</u>		
Recital 40				
51	(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the	(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place <u>easily accessible, comprehensive and</u> user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can ~~decide whether or not it agrees with that assessment and wishes to~~ <u>establish that the content</u>	(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable	(40) Providers of hosting services play a particularly important role in tackling illegal content online, as they store information provided by and at the request of the recipients of the service and typically give other recipients access thereto, sometimes on a large scale. It is important that all providers of hosting services, regardless of their size, put in place <u>easily accessible and</u> user-friendly notice and action mechanisms that facilitate the notification of specific items of information that the notifying party considers to be illegal content to the provider of hosting services concerned ('notice'), pursuant to which that provider can decide whether or not it agrees with that assessment and wishes to remove or disable

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	requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.	<u><i>in question is clearly illegal without additional legal or factual examination of the information indicated in the notice and</i></u> remove or disable access to that content ('action'). <u><i>Such mechanism should include a clearly identifiable reporting mechanism, located close to the content in question allowing to notify quickly and easily items of information considered to be illegal content under Union or national law.</i></u> Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice <u><i>in order to ensure the effective operation of notice and action mechanisms. While individuals should always be able to submit notices anonymously, such notices should not give rise to actual knowledge, except in the case of information considered to involve one of the offences referred to in Directive 2011/93/EU.</i></u> The obligation to put in place notice and action	access to that content ('action'). Such mechanisms should be at least as easy to find and use as notification mechanisms for content that violates the terms and conditions of the hosting service provider. Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.	access to that content ('action'). Such mechanisms should be <u>clearly identifiable, located close to the information in question</u> and at least as easy to find and use as notification mechanisms for content that violates the terms and conditions of the hosting service provider. Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice <u><i>in order to ensure the effective operation of notice and action mechanisms. The notification mechanism should, in principle, allow the identification of the notice provider. For some types of items of information notified, the identity of the notice provider might be necessary to determine whether it constitutes illegal content, as alleged.</i></u> The obligation to put in place notice and action mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		mechanisms should apply, for instance, to file storage and sharing services, web hosting services, advertising servers and paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.		paste bins, in as far as they qualify as providers of hosting services covered by this Regulation.
	Recital 40a			
Y	51a	<u>(40a) Nevertheless, notices should be directed to the actor that has the technical and operational ability to act and the closest relationship to the recipient of the service that provided the information or content. Such hosting service providers should redirect such notices to the particular online platform and inform the Digital Services Coordinator.</u>		Identical to the GA
	Recital 40b			
Y	51b	<u>(40b) Moreover, hosting providers should seek to act only against the items of information notified. Where the removal or disabling of access to individual</u>		<u>(40b) Having regard to the need to take due account of the fundamental rights guaranteed under the Charter of all parties concerned, any action taken by a</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>items of information is technically or operationally unachievable due to legal or technological reasons, such as encrypted file and data storage and sharing services, hosting providers should inform the recipient of the service of the notification and seek action.</u>		<u>provider of hosting services, including pursuant to the reception of a notice, should be strictly targeted, in the sense that it should serve to remove or disable access to the information considered to constitute illegal content, without unnecessarily affecting the freedom of expression and information of recipients of the service.</u> Compared to WK 2734/2022 the following proposed addition was reworded to better align it with the Telekabel case law and is now “any action taken by a provider of hosting services, including pursuant to the reception of a notice should be strictly targeted at seek to remove or disable access to the specified item of information considered to constitute illegal content without unduly unnecessarily affecting the freedom of expression and information of recipients of the service”. Compared to WK 2734/2022 the proposed addition “Where doing so is not possible for technical or operational reasons, notably those relating to the limits inherent in the

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
				particular type of hosting service provided, in the interest of effectively tackling illegal content and the proper functioning of the notice and action mechanism, the provider concerned should be required to provide information on another provider of hosting services that may be able to do so, insofar as providing such information is reasonably possible under the given circumstances” is deleted ;
	Recital 41			
52	(41) The rules on such notice and action mechanisms should be harmonised at Union level, so as to provide for the timely, diligent and objective processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of the Member State in which those parties are established or reside and of the field of law at issue. The	(41) The rules on such notice and action mechanisms should be harmonised at Union level, so as to provide for the timely, diligent, <u>objective, non-arbitrary and non-discriminatory</u> and objective processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of the Member State in which those parties are	(41) The rules on such notice and action mechanisms should be harmonised at Union level, so as to provide for the timely, diligent and objective processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of the Member State in which those parties are established or reside and of the	(41) The rules on such notice and action mechanisms should be harmonised at Union level, so as to provide for the timely, diligent, objective, <u>non-arbitrary and non-discriminatory</u> processing of notices on the basis of rules that are uniform, transparent and clear and that provide for robust safeguards to protect the right and legitimate interests of all affected parties, in particular their fundamental rights guaranteed by the Charter, irrespective of the Member State in which those parties are established or reside

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	fundamental rights include, as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content.	established or reside and of the field of law at issue. The fundamental rights include, as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content.	field of law at issue. The fundamental rights include but are not limited to , as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content. Providers of hosting services should act upon notices in a timely manner, in particular, by taking into account the type of illegal content being notified and the urgency of taking action. For instance, providers can be expected to act without delay when allegedly illegal content involving an imminent threat to life or safety of	and of the field of law at issue. The fundamental rights include but are not limited to , as the case may be, the right to freedom of expression and information, the right to respect for private and family life, the right to protection of personal data, the right to non-discrimination and the right to an effective remedy of the recipients of the service; the freedom to conduct a business, including the freedom of contract, of service providers; as well as the right to human dignity, the rights of the child, the right to protection of property, including intellectual property, and the right to non-discrimination of parties affected by illegal content. Providers of hosting services should act upon notices in a timely manner, in particular, by taking into account the type of illegal content being notified and the urgency of taking action. For instance, providers can be expected to act without delay when allegedly illegal content involving an imminent threat to life or safety of persons is being

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			of the location of that content. The notice should contain sufficient information to enable the provider of intermediary services to identify, without a detailed legal examination, that it is clear that the content is illegal and that the decision to remove or disable access to it is compatible with freedom of expression and information. Except for the submission of notices relating to offences referred to in Articles 3 to 7 of Directive 2011/93/EU of the European Parliament and of the Council¹, it is necessary to know the identity of the notice provider, for instance to avoid misuses or to identify alleged infringements to personality rights or intellectual property rights. 1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child	location of that content. The notice should contain sufficient information to enable the provider of intermediary <u>hosting</u> services to identify, without a detailed legal examination, that it is clear that the content is illegal and that the decision to remove or disable access to it is compatible with freedom of expression and information. Except for the submission of notices relating to offences referred to in Articles 3 to 7 of Directive 2011/93/EU of the European Parliament and of the Council¹, <u>those mechanisms should ask for</u> ~~it is necessary to know~~ the identity of the notice provider, for instance to avoid misuses or to identify alleged infringements to personality rights or intellectual property rights. <u>The provider of hosting services should not reveal the identity of the notice provider to the content provider, except where this information is necessary to explain the decision of the provider, such as in cases of infringements of intellectual</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).	<u>property rights</u>. 1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1). Compared to WK 2734/2022, the proposed addition “including the possibility of submitting evidence or other information supporting the allegations made” is deleted ; Compared to WK 2734/2022, the proposed addition “while the provider of hosting services is assessing whether it is clear that the notified content is illegal, the notices should not be considered to give rise to actual knowledge or awareness of illegality” is deleted.
	Recital 42			
Y	53			Y

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	(42) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that provider should inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available redresses to challenge the decision of the hosting service provider should always include judicial redress.	(42) Where a hosting service provider decides to remove, <u>disable access to, demote or impose other measures with regard to</u> ~~or disable~~ information provided by a recipient of the service, for instance following receipt of a notice or acting on its own initiative, including through the use of automated means, that <u>have been proven to be efficient, proportionate and accurate, that</u> provider should <u>in a clear and user-friendly manner</u> inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available	(42) Where a ~~hosting service provider~~ provider of hosting services decides to remove or disable information provided by a recipient of the service or to otherwise restrict its visibility or monetisation, for instance following receipt of a notice or acting on its own initiative, including ~~through the use of~~ exclusively by automated means, that provider should inform in a clear and easily comprehensible way the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions.	(42) Where a ~~hosting service provider~~ provider of hosting services decides to remove or disable information provided by a recipient of the service or to otherwise restrict its visibility or monetisation, for instance following receipt of a notice or acting on its own initiative, including ~~through the use of~~ exclusively by automated means, that provider should inform in a clear and easily comprehensible way the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Restriction

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		recourses to challenge the decision of the hosting service provider should always include judicial redress. <u>The obligation should however not apply in a number of situations, namely when the content is deceptive or part of high-volume of commercial content, or when it has been requested by a judicial or law enforcement authority to not inform the recipient due to an ongoing criminal investigation until the criminal investigation is closed. Where a provider of hosting service does not have the information necessary to inform the recipient by a durable medium, it should not be required to do so.</u>	Restriction of visibility may consist in demotion in ranking or in recommender systems, as well as in limiting accessibility by one or more recipients of the service or blocking the user from an online community without the user knowing it ('shadow banning'). The monetisation via advertising revenue of content provided by the recipient of the service can be restricted by suspending or terminating the monetary payment or revenue associated to that content. Irrespective of available recourses to challenge the decision of the provider of hosting service providers services, the recipient of the service should always include judicial redress have a right to initiate proceedings before a court in accordance with the national laws.	of visibility may consist in demotion in ranking or in recommender systems, as well as in limiting accessibility by one or more recipients of the service or blocking the user from an online community without the user knowing it ('shadow banning'). The monetisation via advertising revenue of content provided by the recipient of the service can be restricted by suspending or terminating the monetary payment or revenue associated to that content. Irrespective of available recourses to challenge the decision of the provider of hosting service providers services, the recipient of the service should always include judicial redress have a right to initiate proceedings before a court in accordance with the national laws. Identical to the GA
	Recital 42a			
Y	53a	<u>(42a) A provider of hosting services may in some instances</u>	(42a) [previous recital 48] A provider of hosting services	(42a) [previous recital 48] A provider of hosting services may Y

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving an imminent threat to the life or safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council¹. In such instances, the provider of hosting services should inform without delay the competent law enforcement authorities of such suspicion, providing, upon their request, all relevant information available to it, including where relevant the content in question and an explanation of its suspicion and unless instructed otherwise, should remove or</u>	may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the provider of hosting services is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a criminal offence involving a threat to the life or safety of person or persons, such as offences specified in Directive 2011/36/EU of the European Parliament and of the Council ¹ , Directive 2011/93/EU of the European Parliament and of the Council ² or Directive (EU) 2017/541 of the European Parliament and of the Council ³ . For example, specific items of content could give rise to a suspicion of a threat to the public, such as incitement to terrorism within	in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the provider of hosting services is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a criminal offence involving a threat to the life or safety of person or persons, such as offences specified in Directive 2011/36/EU of the European Parliament and of the Council ¹ , Directive 2011/93/EU of the European Parliament and of the Council ² or Directive (EU) 2017/541 of the European Parliament and of the Council ³ . For example, specific items of content could give rise to a suspicion of a threat to the public, such as incitement to terrorism within the meaning of

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>disable the content. The information notified by the hosting service provider should not be used for any purpose other than those directly related to the individual serious criminal offence notified. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms provider of hosting services. Providers of hosting services should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities. In order to facilitate the notification of suspicions of criminal offenses, Member States should notify to the Commission the list of the competent law enforcement or judicial authorities.</u> <u>1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual</u>	the meaning of Article 21 of Directive (EU) 2017/541. In such instances, the provider of hosting services should inform without delay the competent law enforcement authorities of such suspicion. The provider of hosting services should provide all relevant information available to it, including where relevant the content in question and, if available, the time when the content was published, including the designated time zone, an explanation of its suspicion and the information necessary to locate and identify the relevant recipient of the service. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by providers of hosting services. Providers of hosting services should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement	Article 21 of Directive (EU) 2017/541. In such instances, the provider of hosting services should inform without delay the competent law enforcement authorities of such suspicion. The provider of hosting services should provide all relevant information available to it, including where relevant the content in question and, if available, the time when the content was published, including the designated time zone, an explanation of its suspicion and the information necessary to locate and identify the relevant recipient of the service. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by providers of hosting services. Providers of hosting services should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u><i>abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).</i></u>	authorities. 1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1). 2. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1). 3. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing	authorities. 1. Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1). 2. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1). 3. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision

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			Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).	2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6). Identical to the GA
Recital 43				
54	(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission, ¹ unless their reach and impact is such that they meet the criteria to qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of	(43) To avoid disproportionate burdens, the additional obligations imposed on online platforms under this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission, ¹ unless their reach and impact is such that they meet the criteria to qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of	(43) To avoid disproportionate burdens, the additional obligations imposed on providers of online platforms under this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission, ¹ unless ~~their reach and impact is such that they meet the criteria to~~ they qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their	(43) To avoid disproportionate burdens, the additional obligations imposed on providers of online platforms under this Regulation should not apply to micro or small enterprises as defined in Recommendation 2003/361/EC of the Commission, ¹ unless ~~their reach and impact is such that they meet the criteria to~~ they qualify as very large online platforms under this Regulation. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	those obligations. 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	those obligations. 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	ability to set up, on a voluntary basis, a system that complies with one or more of those obligations. 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).	complies with one or more of those obligations. 1. Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36). Identical to the GA
	Recital 43a			
54a		<i><u>(43a) Similarly, in order to ensure that the obligations are only applied to those providers of intermediary services where the benefit would outweigh the burden on the provider, the Commission should be empowered to issue a waiver to the requirements of Chapter III Section 3, in whole or in parts, to those providers of intermediary services that are non-for profit t, or are medium-sized enterprises, but do not present any systemic risk related to illegal content and</u></i>		Identical to the GA

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		<u>have limited exposure to illegal content. The providers should present justified reasons for why they should be issued a waiver and send their application first to their Digital Services Coordinators of establishment for a preliminary assessment. The Commission should examine such an application taking into account a preliminary assessment carried out by the Digital Services Coordinators of establishment. The preliminary assessment should be sent together with the application to the Commission. The Commission should monitor the application of the waiver and have the right revoke a waiver at any time. The Commission should maintain a public list of all waiver issued and their conditions.</u>		
	Recital 44			
55	(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore,	(44) Recipients of the service, should be able to easily and effectively contest certain decisions, of online platforms that negatively affect them. <u>This</u>	(44) Recipients of the service, including individuals or entities that have submitted a notice, should be able to easily and effectively contest certain	(44) Recipients of the service should be able to easily and effectively contest certain decisions of providers of online platforms, including online

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	online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes. In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. The possibilities to contest decisions of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.	<u>should include decisions of online platforms allowing consumers to conclude distance contracts with traders to suspend the provisions of their services to traders.</u> Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift, <u>non-discriminatory, non-arbitrary</u> and fair outcomes <u>within ten working days starting on the date on which the online platform received the complaint</u>. In addition, provision should be made for the possibility of <u>entering, in good faith, an</u> out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner <u>and within a reasonable period of time</u>. The possibilities to contest decisions of	decisions of providers of online platforms that negatively affect them. Therefore, providers of online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes, and are subject to human review. Such systems should enable all recipients of the service, including individuals or entities that have submitted a notice, to lodge a complaint and should not set up formal requirements such as referral to specific, relevant legal provisions or elaborate legal explanations. The possibility to lodge a complaint for the reversal of the contested decisions should be available for at least six months, to be calculated from the time of informing the recipient of the service, including the individual or entity, of the decision. In addition, provision should be made for the	marketplaces, that negatively affect them in a direct manner. Therefore, providers of online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift, <u>non-discriminatory, non-arbitrary</u> and fair outcomes, and are subject to human review where automated means are used. Such systems should enable all recipients of the service to lodge a complaint and should not set formal requirements, such as referral to specific, relevant legal provisions or elaborate legal explanations, provided the complaint is sufficiently clear for the provider to be reasonably able to process it and decide upon it. Recipients of the service who submitted a notice through the notice and action mechanism provided for in this Regulation should be entitled to use the complaint mechanism to contest the

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		online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned.	possibility of out-of-court dispute settlement of disputes in good faith , including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. The fees charged by the dispute settlement bodies should be reasonable, accessible, attractive, inexpensive for consumer and proportionate, and assessed on a case-by-case basis. Providers of online platforms should be able to refuse to engage in dispute settlement in the case when the same dispute regarding the same content has already been resolved or is being reviewed by another dispute settlement body provided that they comply with the existing or future outcome of the dispute settlement consistently. Recipients of the service, including individuals or entities	decision of the provider of online platforms on their notices, including when they consider that the action taken by the provider was not adequate. The possibility to lodge a complaint for the reversal of the contested decisions should be available for at least six months, to be calculated from the moment at which the provider informed the recipient of the service of the decision. In addition, provision should be made for the possibility of engaging, in good faith, in the out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies that have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. The fees charged by the dispute settlement bodies should be reasonable, accessible, attractive, inexpensive for consumer and proportionate,

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			that have submitted notices, should be able to choose between the internal complaint mechanism, an out-of-court dispute settlement or judicial redress. The possibilities to contest decisions of providers of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned, and therefore exercising their right to an effective judicial remedy as provided for in Article 47 of the Charter. The provisions in this Regulation on out-of-court settlement of disputes should not amount to an obligation for the Member States to establish such out-of-court settlement bodies.	and assessed on a case-by-case basis. <u>Where an out-of-court dispute settlement body is certified by the competent Digital Services Coordinator pursuant to paragraph 2, that certification should be valid in all Member States.</u> Providers of online platforms should be able to refuse to engage in out-of-court dispute settlement procedures under this Regulation, when the same dispute, in particular as regards the information concerned and the grounds for taking the contested decision, the effects of the decision and the grounds raised for contesting the decision, has already been resolved by or is already subject to an ongoing procedure before the competent court or before another competent out-of-court dispute settlement body. Recipients of the service should be able to choose between the internal complaint mechanism, an out-of-court dispute settlement and the possibility to initiate, at any stage, judicial proceedings.

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				Since the outcome of the out-of-court dispute settlement procedure is not binding, the parties should subsequently not be prevented from initiating judicial proceedings in relation to the same dispute. The possibilities to contest decisions of providers of online platforms thus created should complement, yet leave unaffected in all respects, the possibility to seek judicial redress in accordance with the laws of the Member State concerned, and therefore exercise their right to an effective judicial remedy as provided for in Article 47 of the Charter. The provisions in this Regulation on out-of-court settlement of disputes should not amount to an obligation for Member States to establish such out-of-court settlement bodies. Row 278d was added in the Recital.
	Recital 45			
56	(45) For contractual consumer-to-business disputes over the purchase of goods or services,	(45) For contractual consumer-to-business disputes over the purchase of goods or services,	(45) For contractual consumer-to-business disputes over the purchase of goods or services,	(45) For contractual consumer-to-business disputes over the purchase of goods or services,

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	Directive 2013/11/EU of the European Parliament and of the Council¹ ensures that Union consumers and businesses in the Union have access to quality-certified alternative dispute resolution entities. In this regard, it should be clarified that the rules of this Regulation on out-of-court dispute settlement are without prejudice to that Directive, including the right of consumers under that Directive to withdraw from the procedure at any stage if they are dissatisfied with the performance or the operation of the procedure. 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).	Directive 2013/11/EU of the European Parliament and of the Council¹ ensures that Union consumers and businesses in the Union have access to quality-certified alternative dispute resolution entities. In this regard, it should be clarified that the rules of this Regulation on out-of-court dispute settlement are without prejudice to that Directive, including the right of consumers under that Directive to withdraw from the procedure at any stage if they are dissatisfied with the performance or the operation of the procedure. 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).	Directive 2013/11/EU of the European Parliament and of the Council¹ ensures that Union consumers and businesses in the Union have access to quality-certified alternative dispute resolution entities. In this regard, it should be clarified that the rules of this Regulation on out-of-court dispute settlement are without prejudice to that Directive, including the right of consumers under that Directive to withdraw from the procedure at any stage if they are dissatisfied with the performance or the operation of the procedure. 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).	Directive 2013/11/EU of the European Parliament and of the Council¹ ensures that Union consumers and businesses in the Union have access to quality-certified alternative dispute resolution entities. In this regard, it should be clarified that the rules of this Regulation on out-of-court dispute settlement are without prejudice to that Directive, including the right of consumers under that Directive to withdraw from the procedure at any stage if they are dissatisfied with the performance or the operation of the procedure. 1. Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63). Identical to the GA
	Recital 46			

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57	(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-	(46) Action against illegal content can be taken more quickly and reliably where online platforms take the necessary measures to ensure that notices submitted by trusted flaggers, <u>acting within their designated area of expertise</u>, through the notice and action mechanisms required by this Regulation are treated with priority, <u>and expeditiously, taking into account due process and</u> without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in ~~a timely, diligent and~~ <u>an</u> objective manner. Such trusted flagger status should only be awarded, <u>for a period of two years</u>, to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, that they represent collective interests and that they work in a diligent and objective manner <u>and have transparent funding structure. The Digital Services Coordinator should be</u>	(46) Action against illegal content can be taken more quickly and reliably where providers of online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should be awarded by the Digital Services Coordinator of the Member State in which the applicant is established and should be recognised by all providers of online platforms within the scope of this Regulation. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in	(46) Action against illegal content can be taken more quickly and reliably where providers of online platforms take the necessary measures to ensure that notices submitted by trusted flaggers through the notice and action mechanisms required by this Regulation are treated with priority, without prejudice to the requirement to process and decide upon all notices submitted under those mechanisms in a timely, diligent and objective manner. Such trusted flagger status should be awarded by the Digital Services Coordinator of the Member State in which the applicant is established and should be recognised by all providers of online platforms within the scope of this Regulation. Such trusted flagger status should only be awarded to entities, and not individuals, that have demonstrated, among other things, that they have particular expertise and competence in tackling illegal content, ~~that they~~

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	governmental organisations and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.¹ 1. Regulation (EU) 2016/794 of the European Parliament and of	<u>allowed to renew the status where the trusted flagger concerned continues to meet the requirements of this Regulation.</u> Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations, <u>consumer organisations</u>, and semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. <u>Trusted flaggers should publish easily comprehensible and detailed reports on notices submitted in accordance with Article 14. Those reports should indicate information such as notices categorised by the entity of the provider of hosting services, the type of content notified, the legal provisions</u>	tackling illegal content, ~~that they represent collective interests and~~ that they work in a diligent and objective manner. To avoid diminishing the added value of such mechanism, the overall number of trusted flaggers awarded in accordance with this Regulation should be limited. In particular, industry associations representing their members' interests should apply for the status of trusted flaggers, without prejudice to the right of private entities or individuals to enter into bilateral agreements with the providers of online platforms. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and private or semi-public bodies, such as the organisations part of the INHOPE network of hotlines for	~~represent collective interests and~~ that they work in a diligent and objective manner. To avoid diminishing the added value of such mechanism, the overall number of trusted flaggers awarded in accordance with this Regulation should be limited. In particular, industry associations representing their members' interests should apply for the status of trusted flaggers, without prejudice to the right of private entities or individuals to enter into bilateral agreements with the providers of online platforms. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and private or semi-public bodies, such as the organisations part of the INHOPE network of hotlines for reporting child sexual abuse material and

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53	<u>allegedly breached by the content in question, and the action taken by the provider. The reports should also include information about any potential conflict of interest and sources of funding as well as the procedure put in place by the trusted flagger to retain its independence.</u> For intellectual property rights, organisations of industry and of right-holders could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions <u>and respect for exceptions and limitations to intellectual property rights</u>. The rules of this Regulation on trusted flaggers should not be understood to prevent online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.¹ <u>In</u>	reporting child sexual abuse material and organisations committed to notifying illegal racist and xenophobic expressions online. For intellectual property rights, organisations of industry and of right holders could be awarded Given that trusted flaggers have demonstrated expertise and competence, the processing of trusted flagger notices can be expected to be less burdensome and therefore faster compared to notices submitted by other recipients of the service. However, the average time taken to process may still vary depending on factors including the type of illegal content, the quality of notices, and the actual technical procedures put in place for the submission of such notices. As a current indicative benchmark, the 2016 Code of Conduct on countering Illegal Hate Speech committed participating providers to review the majority of valid trusted flagger status, where they	organisations committed to notifying illegal racist and xenophobic expressions online. ~~For intellectual property rights, organisations of industry and of right holders could be awarded~~ Given that trusted flaggers have demonstrated expertise and competence, the processing of trusted flagger notices can be expected to be less burdensome and therefore faster compared to notices submitted by other recipients of the service. However, the average time taken to process may still vary depending on factors including the type of illegal content, the quality of notices, and the actual technical procedures put in place for the submission of such notices. As a current indicative benchmark, the 2016 Code of Conduct on countering Illegal Hate Speech committed participating providers to review the majority of valid trusted flagger status, where they have demonstrated that they meet the applicable ~~conditions~~ notifications for

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		<u>order to avoid abuses of the status of trusted flagger, it should be possible to suspend such status when a Digital Service Coordinator of establishment opened an investigation based on legitimate reasons. The suspension should not be longer than the time needed to conduct the investigation and should be maintained if the Digital Services Coordinator of establishment concluded that the entity in question could still be considered as a trusted flagger.</u> 1. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53	have demonstrated that they meet the applicable conditions notifications for removal of illegal hate speech in less than 24 hours. Other types of illegal content may take considerably different timelines for processing, depending on the specific facts and circumstances and types of illegal content at stake. The rules of this Regulation on trusted flaggers should not be understood to prevent providers of online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.¹ The rules of this Regulation should not prevent the providers of online platforms from making use of such trusted flagger or similar	removal of illegal hate speech in less than 24 hours. Other types of illegal content may take considerably different timelines for processing, depending on the specific facts and circumstances and types of illegal content at stake. The rules of this Regulation on trusted flaggers should not be understood to prevent providers of online platforms from giving similar treatment to notices submitted by entities or individuals that have not been awarded trusted flagger status under this Regulation, from otherwise cooperating with other entities, in accordance with the applicable law, including this Regulation and Regulation (EU) 2016/794 of the European Parliament and of the Council.¹ The rules of this Regulation should not prevent the providers of online platforms from making use of such trusted flagger or similar mechanisms to take quick and reliable action against content that is incompatible with their terms

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			mechanisms to take quick and reliable action against content that is incompatible with their terms and conditions, in particular against content that is harmful for vulnerable recipients of the service, such as minors. 1. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53.	and conditions, in particular against content that is harmful for vulnerable recipients of the service, such as minors. 1. Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA, OJ L 135, 24.5.2016, p. 53. Identical to the GA
	Recital 46a			
57a		<u>(46a) The strict application of universal design to all new technologies and services should ensure full, equal and</u>		Identical to the GA

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		<u>unrestricted access for all potential consumers, including persons with disabilities, in a way that takes full account of their inherent dignity and diversity. It is essential to ensure that providers of online platforms, which offer services in the Union, design and provide those services in accordance with the accessibility requirements, set out in Directive (EU) 2019/882. In particular, providers of online platforms should ensure that information provided, forms provided and procedures that are in place are made available in a manner that they are easy to find, easy to understand, and accessible to persons with disabilities.</u>		
	Recital 47			
58	(47) The misuse of services of online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems,	(47) The misuse of services of online platforms by frequently providing ~~manifestly~~ illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems,	(47) The misuse of ~~services of~~ online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems,	(47) The misuse of ~~services of~~ online platforms by frequently providing manifestly illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems,

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	respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and	respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate, <u>proportionate and effective</u> ~~and proportionate~~ safeguards against such misuse. ~~Information should be considered to be manifestly~~ <u>The misuse of services of online platforms could be established with regard to frequently provided</u> illegal content ~~and where it is evident that that~~ <u>content is illegal without conducting a detailed legal or factual analysis.</u> Notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, online platforms should <u>be entitled to</u> temporarily <u>or, in a limited number of situations, permanently</u> suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without	respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, providers of online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by providers of online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes, such as child sexual abuse material. For	respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate safeguards against such misuse. Information should be considered to be manifestly illegal content and notices or complaints should be considered manifestly unfounded where it is evident to a layperson, without any substantive analysis, that the content is illegal respectively that the notices or complaints are unfounded. Under certain conditions, providers of online platforms should temporarily suspend their relevant activities in respect of the person engaged in abusive behaviour. This is without prejudice to the freedom by providers of online platforms to determine their terms and conditions and establish stricter measures in the case of manifestly illegal content related to serious crimes, such as child sexual abuse material. For reasons of transparency, this

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.	prejudice to the freedom by online platforms to determine their terms and conditions and establish stricter measures in the case of <i>manifestly</i> illegal content related to serious crimes. For reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by online platforms and they should be subject to oversight by the competent Digital Services Coordinator. The rules of this Regulation on misuse should not prevent online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.	reasons of transparency, this possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by providers of online platforms and they should be subject to oversight by the competent Digital Services Coordinator. Providers of online platforms should send a prior warning before deciding on the suspension, which should include the reasons for the possible suspension and the means of redress against the decision of the providers of the online platform. When deciding on the suspension, providers of online platforms should send the statement of reasons in accordance with the rules in this Regulation. The rules of this Regulation on misuse should not prevent providers of online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their	possibility should be set out, clearly and in sufficiently detail, in the terms and conditions of the online platforms. Redress should always be open to the decisions taken in this regard by providers of online platforms and they should be subject to oversight by the competent Digital Services Coordinator. Providers of online platforms should send a prior warning before deciding on the suspension, which should include the reasons for the possible suspension and the means of redress against the decision of the providers of the online platform. When deciding on the suspension, providers of online platforms should send the statement of reasons in accordance with the rules in this Regulation. The rules of this Regulation on misuse should not prevent providers of online platforms from taking other measures to address the provision of illegal content by recipients of their service or other misuse of their services, including through the violation of their terms and

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			services, including through the violation of their terms and conditions , in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law.	conditions , in accordance with the applicable Union and national law. Those rules are without prejudice to any possibility to hold the persons engaged in misuse liable, including for damages, provided for in Union or national law. Identical to the GA
	Recital 48			
59	(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such	~~(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of person, such~~	(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or	(48) An online platform may in some instances become aware, such as through a notice by a notifying party or through its own voluntary measures, of information relating to certain activity of a recipient of the service, such as the provision of certain types of illegal content, that reasonably justify, having regard to all relevant circumstances of which the online platform is aware, the suspicion that the recipient may have committed, may be committing or is likely to commit a serious criminal offence involving a threat to the life or safety of

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	as offences specified in Directive 2011/93/EU of the European Parliament and of the Council¹. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities. 1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography,	~~as offences specified in Directive 2011/93/EU of the European Parliament and of the Council¹. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities.~~ ~~1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing~~	safety of person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council¹. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities. [moved to Recital 42a] 1. Directive 2011/93/EU of the European Parliament and of the Council of 13	person, such as offences specified in Directive 2011/93/EU of the European Parliament and of the Council¹. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing all relevant information available to it, including where relevant the content in question and an explanation of its suspicion. This Regulation does not provide the legal basis for profiling of recipients of the services with a view to the possible identification of criminal offences by online platforms. Online platforms should also respect other applicable rules of Union or national law for the protection of the rights and freedoms of individuals when informing law enforcement authorities. [moved to Recital 42a] 1. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of

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	and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).	~~Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).~~ deleted	~~December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).~~	~~children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, p. 1).~~ Identical to the GA
Recital 49				
60	(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online platforms allowing consumers to conclude distance contracts with traders should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the online platform, including for purposes of promoting messages on or offering products. That requirement should also be	(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online platforms ~~allowing that~~ <u>allow</u> consumers to conclude distance contracts with traders should ~~ensure that such traders are traceable. The trader obtain additional information on the trader and the products and services they intend to offer on the platform. The online platform~~ should therefore be required to ~~provide certain essential~~	(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online ~~platforms allowing consumers to conclude distance contracts with traders~~ marketplaces should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the provider of online ~~platform~~ marketplace , including for purposes of promoting	(49) In order to contribute to a safe, trustworthy and transparent online environment for consumers, as well as for other interested parties such as competing traders and holders of intellectual property rights, and to deter traders from selling products or services in violation of the applicable rules, online ~~platforms allowing consumers to conclude distance contracts with traders~~ marketplaces should ensure that such traders are traceable. The trader should therefore be required to provide certain essential information to the provider of online ~~platform~~ marketplace , including for purposes of promoting

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	applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online platforms should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation.	~~information~~<u>obtain information on the name, telephone number and electronic mail of the economic operator and the type of product or service the trader intends to offer on the online platform. Prior to offering its services to the trader, the online platform operator should make best efforts to assess if the information provided by the trader is reliable. In addition, the platform should take adequate measures, such as where applicable, random checks, to identify and prevent illegal content from appearing on their interface. The fulfilment of the obligations on traceability of the traders, including for purposes of promoting messages on or offering products and services should facilitate the compliance by platforms allowing consumers to conclude distance contracts with the obligation to inform consumers of the identity of their contracting party established under Directive 2011/83/EU of the European Parliament and of the Council, as well as the obligations established under</u>	messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. ~~Those~~The providers of online platforms should store all information in a secure manner for a reasonable period of time that does not exceed ~~what~~the duration of their contractual relationship with the trader and 6 months thereafter, to allow any claims to be filed against the trader or orders related to the trader to be complied with. This is necessary and proportionate, so that ~~the~~the information can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation. This obligation leaves unaffected potential obligations to preserve certain	messages on or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. ~~Those~~The providers of online platforms should store all information in a secure manner for a reasonable period of time that does not exceed ~~what~~the duration of their contractual relationship with the trader and 6 months thereafter, to allow any claims to be filed against the trader or orders related to the trader to be complied with. This is necessary and proportionate, so that ~~the~~the information can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a legitimate interest, including through the orders to provide information referred to in this Regulation. This obligation leaves unaffected potential obligations to preserve certain content for longer periods of

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		<u>Regulation (EU) No 1215/2012 as regards the Member State in which consumers can pursue their consumer rights. The ~~That~~ requirement <u>to provide essential information</u> should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online platforms should store all information in a secure manner for a reasonable period of time that does not exceed what is necessary <u>and no longer than six months after the end of a relationship with the trader</u>, so that it can be accessed, in accordance with the applicable law, including on the protection of personal data, by public authorities and private parties with a <u>direct</u> legitimate interest, including through the orders to provide information referred to in this Regulation.</u>	content for longer periods of time, on the basis of other Union law or national laws, in compliance with Union law. Without prejudice to the definition provided for in this Regulation, any trader, irrespective of whether it is a natural or legal person, identified on the basis of Article 6a(1)(b) of Directive 2011/83/EU and Article 7(4)(f) of Directive 2005/29/EC should be traceable when offering a product or service through an online platform. Similarly, the traceability of holders of domain names for the purpose of contributing to the security, stability and resilience of domain name systems, which in turn contributes to a high common level of cybersecurity within the Union, is ensured by Directive .../... [proposed Directive on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148], which introduces the obligation for top-level	time, on the basis of other Union law or national laws, in compliance with Union law. Without prejudice to the definition provided for in this Regulation, any trader, irrespective of whether it is a natural or legal person, identified on the basis of Article 6a(1)(b) of Directive 2011/83/EU and Article 7(4)(f) of Directive 2005/29/EC should be traceable when offering a product or service through an online platform. Similarly, the traceability of holders of domain names for the purpose of contributing to the security, stability and resilience of domain name systems, which in turn contributes to a high common level of cybersecurity within the Union, is ensured by Directive .../... [proposed Directive on measures for a high common level of cybersecurity across the Union, repealing Directive (EU) 2016/1148], which introduces the obligation for top-level domain registries and the

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			domain registries and the entities providing domain name registration services for the top-level domain, so-called registrars, to collect, maintain in a database and provide lawful access to accurate and complete domain name registration data. Directive 2000/31/EC obliges all information society services providers to render easily, directly and permanently accessible to the recipients of the service and competent authorities certain information allowing the identification of all providers. The traceability requirements for providers of online marketplaces set out in this Regulation do not affect the application of rules resulting from Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the field of taxation¹, which pursues other legitimate public interest objectives. _____	entities providing domain name registration services for the top-level domain, so-called registrars, to collect, maintain in a database and provide lawful access to accurate and complete domain name registration data. Directive 2000/31/EC obliges all information society services providers to render easily, directly and permanently accessible to the recipients of the service and competent authorities certain information allowing the identification of all providers. The traceability requirements for providers of online marketplaces set out in this Regulation do not affect the application of rules resulting from Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the field of taxation¹, which pursues other legitimate public interest objectives. 1. Please insert in the text the number, date and OJ

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	complying with this obligation. However, the online platforms covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online platforms, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such online platforms should also design and organise their online interface in a way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council², Article 7 of Directive 2005/29/EC of the European Parliament and of the Council³ and Article 3 of Directive 98/6/EC of the European Parliament and of the Council⁴. 1. https://ec.europa.eu/taxation_customs/vies/vieshome.do?selecte	which offer a similar degree of reliability for the purpose of complying with this obligation. However, the online platforms covered should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such online platforms, which have made the ~~reasonable~~best efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. Such online platforms should also design and organise their online interface in a user-friendly way that enables traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council², Article 7 of Directive 2005/29/EC of the European Parliament and of the Council³ and Article 3 of Directive 98/6/EC of the European Parliament and of the Council⁴. 1.	~~bank~~payment accounts' statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the ~~online platforms covered~~providers of online marketplaces should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such ~~online platforms~~providers, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. ~~Such~~Providers of online platformsmarketplaces should also design and ~~organise~~make their online interface in a way that ~~enables~~best efforts to ensure that traders to comply with their obligations under Union law, in particular the requirements set	statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. However, the ~~online platforms covered~~providers of online marketplaces should not be required to engage in excessive or costly online fact-finding exercises or to carry out verifications on the spot. Nor should such ~~online platforms~~providers, which have made the reasonable efforts required by this Regulation, be understood as guaranteeing the reliability of the information towards consumer or other interested parties. ~~Such~~Providers of online platformsmarketplaces should also design and ~~organise~~make their online interface in a way that ~~enables~~best efforts to ensure that traders to comply with their obligations under Union law, in particular the requirements set out in Articles 6 and 8 of Directive

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	dLanguage=en 2. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council 3. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive')	https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en 2. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council 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	out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council², Article 7 of Directive 2005/29/EC of the European Parliament and of the Council³ and Article 3 of Directive 98/6/EC of the European Parliament and of the Council⁴provide complete information and ensure that products or services are not offered as long as the information is incomplete. This should not amount to a general monitoring obligation or an obligation for the provider of online marketplaces to assess whether the content provided is in fact compliant with Union law. 1. https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en 2. ~~Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive~~	2011/83/EU of the European Parliament and of the Council², Article 7 of Directive 2005/29/EC of the European Parliament and of the Council³ and Article 3 of Directive 98/6/EC of the European Parliament and of the Council⁴provide complete information and ensure that products or services are not offered as long as the information is incomplete. This should not amount to a general monitoring obligation or an obligation for the provider of online marketplaces to assess whether the content provided is in fact compliant with Union law. 1. https://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=en 2. ~~Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of~~

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	4. Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers	(‘Unfair Commercial Practices Directive’) 4. Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers	~~93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council~~ 3. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’) 4. Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection	~~the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council~~ 3. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (‘Unfair Commercial Practices Directive’) 4. Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			in the indication of the prices of products offered to consumers	Identical to the GA
	Recital 50a			
61a		<i><u>(50a) Online platforms that allow consumers to conclude distance contracts with traders should demonstrate their best efforts to prevent the dissemination by traders of illegal products and services, in compliance with the no general monitoring principle. Online platforms covered should inform recipients when the service or product they have acquired through their services are illegal.</u></i>	(50a) Providers of online marketplaces should not rely on so-called dark patterns in designing their online interfaces. Dark patterns are design techniques that push or deceive consumers into undesired decisions which have negative consequences for them. These manipulative techniques can be used to persuade the recipients of the service to engage in unwanted behaviours, including making it unreasonably difficult to discontinue purchases or to sign out from a given marketplace, to deceive the recipients of the service by nudging them into decisions on transactions, or by default settings that are very difficult to change, and so unreasonably bias the decision making of the	(50a) Providers of online marketplaces should not rely on so-called dark patterns in designing their online interfaces. Dark patterns are design techniques that push or deceive consumers into undesired decisions which have negative consequences for them. These manipulative techniques can be used to persuade the recipients of the service to engage in unwanted behaviours, including making it unreasonably difficult to discontinue purchases or to sign out from a given marketplace, to deceive the recipients of the service by nudging them into decisions on transactions, or by default settings that are very difficult to change, and so unreasonably bias the decision making of the recipient of the

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			recipient of the service, in a way that subverts and impairs their autonomy, decision-making and choice. Common and legitimate advertising practices that are in compliance with Union law should not in themselves be regarded as constituting dark patterns. Providers of online marketplaces should design and organise their online interface in a way that enables traders to comply with their obligations under relevant Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council¹, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council², Articles 5 and 6 of the Directive 2000/31/EC of the European Parliament and of the Council and Article 3 of Directive 98/6/EC of the European Parliament and of the Council³. For that purpose, the providers of online	service, in a way that subverts and impairs their autonomy, decision-making and choice. Common and legitimate advertising practices that are in compliance with Union law should not in themselves be regarded as constituting dark patterns. Providers of online marketplaces should design and organise their online interface in a way that enables traders to comply with their obligations under relevant Union law, in particular the requirements set out in Articles 6 and 8 of Directive 2011/83/EU of the European Parliament and of the Council¹, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council², Articles 5 and 6 of the Directive 2000/31/EC of the European Parliament and of the Council and Article 3 of Directive 98/6/EC of the European Parliament and of the Council³. For that purpose, the providers of online marketplaces should make best efforts to assess whether the traders using their

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			marketplaces should make best efforts to assess whether the traders using their services have uploaded the information on their online interfaces, in line with relevant applicable Union law. This should not amount to an obligation for providers of online marketplaces to generally monitor the products or services offered by traders through their services nor a general fact-finding obligation, in particular to assess the accuracy of the information provided by traders. The online interfaces should be user-friendly and easily accessible for traders and consumers. 1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing	services have uploaded the information on their online interfaces, in line with relevant applicable Union law. This should not amount to an obligation for providers of online marketplaces to generally monitor the products or services offered by traders through their services nor a general fact-finding obligation, in particular to assess the accuracy of the information provided by traders. The online interfaces should be user-friendly and easily accessible for traders and consumers. 1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council. 2. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'). 3. Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to	Parliament and of the Council. 2. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'). 3. Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers. Identical to the GA

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			consumers.	
	Recital 51			
62	(51) In view of the particular responsibilities and obligations of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online platforms may be very large online platforms that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for online platforms should include certain obligations relating to the publication and communication of information on the average monthly active recipients of the service in the Union.	(51) In view of the particular responsibilities and obligations of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online platforms may be very large online platforms that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for online platforms should include certain obligations relating to the publication and communication of information on the average monthly active recipients of the service in the Union.	(51) In view of the particular responsibilities and obligations of providers of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online platforms or online search engines may be very large online platforms or very large online search engines that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for providers of online platforms and of online search engines should include certain obligations relating to the publication and communication of information on the average monthly active recipients of the	(51) In view of the particular responsibilities and obligations of providers of online platforms, they should be made subject to transparency reporting obligations, which apply in addition to the transparency reporting obligations applicable to all providers of intermediary services under this Regulation. For the purposes of determining whether online platforms or online search engines may be very large online platforms or very large online search engines that are subject to certain additional obligations under this Regulation, the transparency reporting obligations for providers of online platforms and of online search engines should include certain obligations relating to the publication and communication of information on the average monthly active recipients of the service in the

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			service in the Union. In order to ensure transparency and enable scrutiny over online platforms' content moderation decisions and monitoring the spread of illegal content online, the Commission should maintain and update a database which contains the decisions and statements of reasons of the providers of online platforms when they remove or otherwise restrict availability of and access to content. In order to allow the Commission to keep the database updated, the providers of online platforms should submit the decisions and statement of reasons without undue delay after a decision has been made by a provider. The database should be accessible to vetted researchers and Digital Services Coordinators, who may also grant access to the database to national authorities where relevant for the exercise of their tasks. The structured database should allow access to	Union. In order to ensure transparency and enable scrutiny over online platforms' content moderation decisions and monitoring the spread of illegal content online, the Commission should maintain and update a database which contains the decisions and statements of reasons of the providers of online platforms when they remove or otherwise restrict availability of and access to content. In order to allow the Commission to keep the database updated, the providers of online platforms should submit the decisions and statement of reasons without undue delay after a decision has been made by a provider. The database should be accessible to vetted researchers and Digital Services Coordinators, who may also grant access to the database to national authorities where relevant for the exercise of their tasks. The structured database should allow access to and queries for the relevant information, in particular as

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			and queries for the relevant information, in particular as regards the type of alleged illegal content at stake.	regards the type of alleged illegal content at stake. Identical to the GA
Recital 52				
63	(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. In addition to the requirements resulting from Article 6 of Directive 2000/31/EC, online platforms should therefore be required to ensure that the recipients of the service have certain individualised information necessary for them to understand	(52) Online advertisement plays an important role in the online environment, including in relation to the provision of the services of online platforms. However, online advertisement can contribute to significant risks, ranging from advertisement that is itself illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and activities online, or the discriminatory display of advertising with an impact on the equal treatment and opportunities of citizens. <u>New advertising models have generated changes in the way information is presented and have created new personal data collection patterns and business models that might affect privacy, personal autonomy, democracy, quality</u>	(52) Online ~~advertisement~~ advertising plays an important role in the online environment, including in relation to the provision of online platforms, when the provider ~~the services of online platforms~~ platform receives remuneration as economic consideration for the placement of the specific advertisement on the platform's online interface, for example as direct payment or increased sale commission. However, online ~~advertisement~~ advertising can contribute to significant risks, ranging from ~~advertisement that is itself~~ advertisements that are themselves illegal content, to contributing to financial incentives for the publication or amplification of illegal or	(52) Online ~~advertisement~~ advertising plays an important role in the online environment, including in relation to the provision of online platforms, when the provider ~~the services of online platforms~~ platform receives remuneration as economic consideration for the placement of the specific advertisement on the platform's online interface, for example as direct payment or increased sale commission. However, online ~~advertisement~~ advertising can contribute to significant risks, ranging from ~~advertisement that is itself~~ advertisements that are themselves illegal content, to contributing to financial incentives for the publication or amplification of illegal or otherwise harmful content and

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

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	stored therein.	advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein. <u>In addition to these information obligations, online platforms should ensure that recipients of the service can refuse or withdraw their consent for targeted advertising purposes, in accordance with Regulation (EU) 2016/679 in a way that is not more difficult nor time-consuming than to give their consent. Online platforms should also not use personal data for commercial purposes related to direct marketing, profiling and</u>	advertising is to be displayed. advertisement is presented to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. Such explanations should include information on the method used for presenting the advertisement – for example whether it is contextual, behavioural or other type of advertising – and, where applicable, the main profiling criteria used. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive	presented to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. Such explanations should include information on the method used for presenting the advertisement – for example whether it is contextual, behavioural or other type of advertising – and, where applicable, the main profiling criteria used. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment

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		<u>behaviourally targeted advertising of minors. The online platform should not be obliged to maintain, acquire or process additional information in order to assess the age of the recipient of the service. Refusing consent in processing personal data for the purposes of advertising should not result in access to the functionalities of the platform being disabled. Alternative access options should be fair and reasonable both for regular and for one-time users, such as options based on tracking-free advertising. Targeting individuals on the basis of special categories of data which allow for targeting vulnerable groups should not be permitted.</u>	2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein. Finally, this Regulation complements the application of the Directive 2010/13/EU which imposes measures to enable users to declare audiovisual commercial communications in user-generated videos. It also complements the obligations for traders regarding the disclosure of commercial communications deriving from Directive 2005/29/EC.	and the access to information stored therein. Finally, this Regulation complements the application of the Directive 2010/13/EU which imposes measures to enable users to declare audiovisual commercial communications in user-generated videos. It also complements the obligations for traders regarding the disclosure of commercial communications deriving from Directive 2005/29/EC. addition in the recital from row 337d: <u>The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as the data concerning health or a natural person's sex life or sexual orientation should comply with Article 9 of Regulation (EU) 2016/679.</u>
	Recital 52a			
R 63a		(52a) <u>A core part of an online</u>		Identical to the GA

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		<u>platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the amplification of certain messages, the viral dissemination of information and the stimulation of online behaviour. Consequently, online platforms should ensure that recipients can understand how recommender system impact the way information is displayed, and can influence how information is presented to them. They should clearly present the parameters for</u>		

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		<u><i>such recommender systems in an easily comprehensible manner to ensure that the recipients understand how information is prioritised for them.</i></u>		
Recital 53				
64	(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no alternative and less restrictive measures that would effectively achieve the same result.	(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on those platforms, in addition to the obligations applicable to all online platforms. Those additional obligations on very large online platforms are necessary to address those public policy concerns, there being no <u>proportionate</u> alternative and less restrictive measures that would effectively achieve the same result.	(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on the providers of those platforms, in addition to the obligations applicable to all online platforms. Due to their critical role in locating and making information retrievable online, it is also necessary to impose those obligations, to the extent they are applicable, on the providers of very large online	(53) Given the importance of very large online platforms, due to their reach, in particular as expressed in number of recipients of the service, in facilitating public debate, economic transactions and the dissemination of information, opinions and ideas and in influencing how recipients obtain and communicate information online, it is necessary to impose specific obligations on the providers of those platforms, in addition to the obligations applicable to all online platforms. Due to their critical role in locating and making information retrievable online, it is also necessary to impose those obligations, to the extent they are applicable, on the providers of very large online search engines, in addition to

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

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	equivalent to 10% of the Union population. The operational threshold should be kept up to date through amendments enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means.	equivalent to 10% of the Union population. The operational threshold should be kept up to date through amendments enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means. <u>Accordingly, the number of average monthly recipients of the service should reflect the recipients actually reached by the service either by being exposed to content or by providing content disseminated on the platforms' interface in that period of time.</u>	reaches a significant share of the Union population, the systemic risks the platform or search engine poses ~~may~~ have a ~~disproportionately negative~~ disproportionate impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to ~~10%~~ 10 % of the Union population. In order to determine the reach of a given online platform or online search engine, it is necessary to establish the average number of active recipients of such service, represented by any recipient actually engaging with the service at least once in a given period of time. Examples of such engagement include viewing content by scrolling through an online interface or uploading content on an online platform, including an online marketplace, and not only interacting with content by	or a search engine reaches a significant share of the Union population, the systemic risks the platform or search engine poses may have a disproportionate impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to 10 % of the Union population. In order to determine the reach of a given online platform or online search engine, it is necessary to establish the average number of active recipients <u>of each service individually. Accordingly, the number of average monthly recipients of the an online platform should reflect all the recipients actually engaging with the service at least once in a given period of time, by being exposed to content disseminated on the online platforms' interface or by providing content, such as traders on an online marketplace. For the purposes of this Regulation, engagement is</u>

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			clicking on, commenting, linking, sharing, purchasing or carrying out transactions on an online platform, such as an online marketplace. Consequently, the notion of active recipient of the service does not necessarily coincide with that of a registered user of a service, and it cumulatively covers recipients of the service who provide content, such as traders on an online marketplace, and those who view content. As regards online search engines, the concept of active recipients of the service should cover those who view content on their online interface, but not, for example, the owners of the websites indexed by the online search engine, as they do not actively engage with the service. The number of active recipients of a service should include all unique recipients of the service that engage with the specific service irrespective of the potentially different interfaces made available, such as	<u>not limited to</u> interacting with content by clicking on, commenting, linking, sharing, purchasing or carrying out transactions on an online platform. Consequently, the notion of active recipient of the service does not necessarily coincide with that of a registered user of a service. As regards online search engines, the concept of active recipients of the service should cover those who view content on their online interface, but not, for example, the owners of the websites indexed by the online search engine, as they do not actively engage with the service. The number of active recipients of a service should include all unique recipients of the service that engage with the specific service. <u>To this effect, providers could adapt their methodology to count only once a recipient of the service that uses</u> different devices or interfaces, such as websites or apps, including where the interfaces are accessed through different

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			websites or apps, including where the interfaces are accessed through different URLs or domain names. However, it should not include recipients of other third party services that make available through their own online interfaces content hosted by the provider of online platform or indexed by a provider of online search engine. This Regulation does not require providers of online platforms or of online search engines to perform specific tracking of individuals online, nor to discount automated users such as bots. The operational threshold and methodology to determine the active recipients of an online platform or of an online search engine should be kept up to date through amendments enacted by delegated acts, where necessary. Such very large online platforms should therefore bear the highest standard of due diligence obligations, proportionate to their societal impact and means., and	URLs or domain names. However, <u>the notion of active recipient of the service</u> should not include <u>indirect use of the service where</u> recipients of other third party services that make available through their own online interfaces content hosted by the provider of online platform, for instance through linking, or indexed by a provider of online search engine. <u>Further, this</u> Regulation does not require providers of online platforms or of online search engines to perform specific tracking of individuals online. <u>Where providers are able to</u> discount automated users such as bots <u>without further processing of personal data and tracking, they may do so.</u> <u>Quantitative threshold can be impacted by market and technical developments and therefore</u> the operational threshold and methodology to determine the active recipients of an online platform or of an online search engine should be kept up to date through

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			reflect the nature of the service and the way recipients of the service interact with it.	amendments enacted by delegated acts, where necessary and reflect the nature of the service and the way recipients of the service interact with it. Identical to the GA
Recital 55				
66	(55) In view of the network effects characterising the platform economy, the user base of an online platform may quickly expand and reach the dimension of a very large online platform, with the related impact on the internal market. This may be the case in the event of exponential growth experienced in short periods of time, or by a large global presence and turnover allowing the online platform to fully exploit network effects and economies of scale and of scope. A high annual turnover or market capitalisation can in particular be an indication of fast scalability in terms of user reach. In those cases, the Digital Services Coordinator should be able to request more frequent reporting from the platform on the user base	(55) In view of the network effects characterising the platform economy, the user base of an online platform may quickly expand and reach the dimension of a very large online platform, with the related impact on the internal market. This may be the case in the event of exponential growth experienced in short periods of time, or by a large global presence and turnover allowing the online platform to fully exploit network effects and economies of scale and of scope. A high annual turnover or market capitalisation can in particular be an indication of fast scalability in terms of user reach. In those cases, the Digital Services Coordinator should be able to request more frequent reporting from the platform on the user base	(55) In view of the network effects characterising the platform economy, the user base of an online platform may quickly expand and reach the dimension of a very large online platform, with the related impact on the internal market. This may be the case in the event of exponential growth experienced in short periods of time, or by a large global presence and turnover allowing the online platform to fully exploit network effects and economies of scale and of scope. A high annual turnover or market capitalisation can in particular be an indication of fast scalability in terms of user reach. In those cases, the Digital Services Coordinator of establishment and the	(55) In view of the network effects characterising the platform economy, the user base of an online platform may quickly expand and reach the dimension of a very large online platform, with the related impact on the internal market. This may be the case in the event of exponential growth experienced in short periods of time, or by a large global presence and turnover allowing the online platform to fully exploit network effects and economies of scale and of scope. A high annual turnover or market capitalisation can in particular be an indication of fast scalability in terms of user reach. In those cases, the Digital Services Coordinator of establishment and the Commission should be

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	to be able to timely identify the moment at which that platform should be designated as a very large online platform for the purposes of this Regulation.	to be able to timely identify the moment at which that platform should be designated as a very large online platform for the purposes of this Regulation.	Commission should be able to request more frequent reporting from provider of the online platform on the user base to be able to timely identify the moment at which that platform should be designated as a very large online platform for the purposes of this Regulation.	able to request more frequent reporting from provider of the online platform on the user base to be able to timely identify the moment at which that platform should be designated as a very large online platform for the purposes of this Regulation. Identical to the GA
Recital 56				
67	(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very large online platforms should therefore assess the systemic risks stemming from	(56) Very large online platforms are used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. In the absence of effective regulation and enforcement, they can set the rules of the game, without effectively identifying and mitigating the risks and the societal and economic harm they can cause. Under this Regulation, very large online platforms should therefore assess the systemic risks stemming from	(56) Very large online platforms ~~are~~ and very large online search engines can be used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. ~~In the absence of effective~~ Effective and fundamental rights based regulation and enforcement, ~~they can set the rules of the game, without~~ is necessary in order to effectively identifying and mitigating	(56) Very large online platforms ~~are~~ and very large online search engines can be used in a way that strongly influences safety online, the shaping of public opinion and discourse, as well as on online trade. The way they design their services is generally optimised to benefit their often advertising-driven business models and can cause societal concerns. Effective and fundamental rights based regulation and enforcement, is necessary in order to effectively identify and mitigate the risks and the societal and economic harm that may arise . Under this Regulation, providers of very large online platforms and of

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	the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.	the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures <u>where mitigation is possible without adversely impacting fundamental rights</u> .	the risks and the societal and economic harm they can ~~cause~~ <u>that may arise</u> . Under this Regulation, providers of very large online platforms and of very large online search engines should therefore assess the systemic risks stemming from the functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures.	very large online search engines should therefore assess the systemic risks stemming from the design , functioning and use of their service, as well as by potential misuses by the recipients of the service, and take appropriate mitigating measures in observance of fundamental rights . <u>In determining the significance of potential negative effects and impacts, providers should consider the severity of potential impact and the probability of all such systemic risks. For example, they could assess whether the potential negative impact can affect a large number of persons, its potential irreversibility, or how difficult it is to remedy and restore the situation prevailing prior to the potential impact.</u>
	Recital 57			
68	(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the	(57) ~~Three~~ <u>Four</u> categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination <u>and amplification</u>	(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of	(57) <u>Four</u> categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the dissemination of illegal content, such as the dissemination of child sexual

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	dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or	of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including <u>dangerous and</u> counterfeit products <u>and illegally-traded animals</u>. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the <u>actual and foreseeable</u> impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, <u>freedom of the press</u>, <u>human dignity</u>, the right to private life, the right to <u>gender equality</u>, <u>the right to</u> non-discrimination	illegal content, such as the dissemination of child sexual abuse material or illegal hate speech or other types of misuse of their services for criminal offences, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including counterfeit products. For example, and without prejudice to the personal responsibility of the recipient of the service of very large online platforms and of very large online search engines for possible illegality of his or her activity under the applicable law, such dissemination or activities may constitute a significant systematic risk where access to such content may be amplified through accounts with a particularly wide reach. A second category concerns the impact of the service on the exercise of fundamental rights, as protected by the Charter of Fundamental Rights, including the freedom of expression and information, the right to private life, the right to	abuse material or illegal hate speech or other types of misuse of their services for criminal offences, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including <u>dangerous or</u> counterfeit products, <u>or illegally-traded animals</u>. For example, such dissemination or activities may constitute a significant systemic risk where access to illegal content may <u>spread rapidly and widely</u> through accounts with a particularly wide reach <u>or other means of amplification</u>. This assessment is without prejudice to the personal responsibility of the recipient of the service of very large online platforms and of very large online search engines for possible illegality of his or her activity under the applicable law. <u>Providers should assess the risk of dissemination of illegal content irrespective of whether or not the information is also incompatible with their terms and conditions.</u>

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	the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions.	and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on ~~health~~, civic discourse, electoral processes, public security and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the creation of fake accounts, the use of bots, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's terms and conditions. <u>A fourth category of risks concerns any actual and</u>	non-discrimination and the rights of the child. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or by very large online search engine or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. When assessing risks to the rights of the child, providers should consider how easily understandable to minors the design and functioning of the service is, as well as how minors can be exposed through their service to content that may impair minors' health, physical, mental and moral development. Such risks may arise, for example, in relation to the design of online interfaces which intentionally or unintentionally exploit the weaknesses and inexperience of minors or which may cause addictive behaviour. A third category of risks concerns the	(57a) A second category concerns the <u>actual or foreseeable</u> impact of the service on the exercise of fundamental rights, as protected by the Charter, including but not limited to human dignity, the freedom of expression and information, <u>including media freedom and pluralism</u>, the right to private life, <u>data protection</u>, the right to non-discrimination, the rights of the child <u>and consumer protection</u>. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or by very large online search engine or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. When assessing risks to the rights of the child, providers should consider <u>how easy it is for minors to understand</u> the design and functioning of the service, as well as how minors can be exposed through their

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		<u>foreseeable negative effects on the protection of public health, including behavioural addictions due to excessive use of a service or other serious negative effects to the person's physical, mental, social and financial well-being.</u>	intentional and, oftentimes, ~~coordinated~~ ~~manipulation~~ coordinated manipulation of the platform's or search engine's service, with a foreseeable impact on health, civic discourse, electoral processes, public security, and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. Such risks may arise, for example, through the inauthentic use of the service, such as the creation of fake accounts, the use of bots or deceptive use of a service, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's or online search engine's terms and conditions.	service to content that may impair minors' health, physical, mental and moral development. Such risks may arise, for example, in relation to the design of online interfaces which intentionally or unintentionally exploit the weaknesses and inexperience of minors or which may cause addictive behaviour. (57b) A third category of risks concerns <u>the actual or foreseeable negative effects on civic discourse and electoral processes, which are fundamental for democratic processes, as well as</u> public security, and protection of minors, having regard to the need to safeguard public order, protect privacy and fight fraudulent and deceptive commercial practices. <u>Providers of very large online platforms should, in particular, assess how the design and functioning of their service, as well as</u> the intentional and, oftentimes, coordinated manipulation and use of their

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				services, <u>or the systemic infringement of their terms of service contribute to such risks.</u> Such risks may arise, for example, through the inauthentic use of the service, such as the creation of fake accounts, the use of bots or deceptive use of a service, and other automated or partially automated behaviours, which may lead to the rapid and widespread dissemination of information that is illegal content or incompatible with an online platform's or online search engine's terms and conditions. <u>(57c) A fourth category of risks stems from similar concerns relating to the design, functioning or use, including through manipulation, of the service with an actual or foreseeable negative effect on the protection of public health, minors and serious negative consequences to the person's physical and mental well-being, or on gender-based violence. Such risks may also stem from</u>

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				<u>coordinated disinformation campaigns related to public health, or from interface design that may stimulate behavioural addictions of recipients of the service.</u> (57d) When assessing such systemic risks, providers of very large online platforms should focus on the systems or other elements that may contribute to the risks, including all the algorithmic systems that may be relevant, in particular their recommender systems and advertising systems. They should also assess whether their terms and conditions and the enforcement thereof are appropriate, as well as their content moderation processes, technical tools and allocated resources. Where the algorithmic amplification of information contributes to the systemic risks, providers should duly reflect this in their risk assessments. <u>Where risks are localised or there are linguistic differences, providers should</u>

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				<u>also account for this in their risk assessments.</u> <u>(57e) In order to make it possible that subsequent risk assessments build on each other and show the evolution of the risks identified, as well as to facilitate investigations and enforcement actions providers of very large online platforms should preserve all supporting documents relating to the risk assessments that they carried out, such as information regarding the preparation thereof, underlying data and data on the testing of their algorithmic systems.</u>
Recital 58				
69	(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. Very large online platforms should under such mitigating measures consider, for example, enhancing or otherwise adapting the design and functioning of their content	(58) Very large online platforms should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment <u>where mitigation is possible without adversely impacting fundamental rights.</u> Very large online platforms should under such mitigating measures consider, for example, enhancing	(58) Providers of very large online platforms and of very large online search engines should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessment. ~~Very large online platforms~~ They should under such mitigating measures consider, for example, enhancing	(58) Providers of very large online platforms and of very large online search engines should deploy the necessary means to diligently mitigate the systemic risks identified in the risk assessments, in observance of <u>fundamental rights</u>. Any measures adopted should respect the due diligence requirements of

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	moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective	or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content <u>and of content that is incompatible with their terms and conditions. They should also consider mitigation measures in case of malfunctioning or intentional manipulation and exploitation of the service, or in case of risks inherent to the intended operation of the service, including the amplification of illegal content, of content that is in breach with their terms and conditions or any other content having negative effects, by</u> adapting their decision-making processes, or adapting their terms and conditions <u>and content moderation policies and how those policies are enforced, while being fully transparent to the recipients of the service.</u> They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as	or otherwise adapting the design and functioning of their content moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, adapting their decision-making processes, or adapting their terms and conditions. This concerns in particular the speed and quality of processing of notices, which in general should go beyond benchmarks set by established best practices. This includes in particular the commitment to process a majority of valid notifications for removal of illegal hate speech in less than 24 hours under the 2016 Hate speech Code of Conduct. Other types of illegal content may require longer or shorter timelines for processing of notices, which will depend on the facts, circumstances and types of illegal content at hand. The design and online interface of services primarily aimed at minors or pre-dominantly used	this Regulation and be reasonable and effective in mitigating the specific systemic risks identified. They should be proportionate in light of the economic capacity of the provider of the very large online platform and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on those fundamental rights. Providers should give particular consideration to the impact on freedom of expression. (58a) Providers of very large online platforms should under such mitigating measures consider, for example, <u>adapting any necessary design, feature or functioning of their service, such as the interface design. They should adapt and apply</u> their terms and conditions, <u>as necessary, and in accordance with the rules of this Regulation on terms and conditions.</u> Other appropriate measures could include adapting their content

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	and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.	improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. <u>The decision as to the choice of measures should remain with the very large online platform.</u> Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the very large online platform's economic capacity and the need to	by them should take into account their best interests, and ensure that their services are organised in a way that minors are easily able to access mechanisms within this Regulation, including notice and action and complaint mechanisms. The providers of very large online platforms that provide access to content that may impair the physical, mental or moral development of minors should take appropriate measures and provide tools that enable conditional access to the content. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Providers of very large online platforms and of very large online search engines may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also	moderation systems and internal processes or adapting their decision-making processes and resources, including the content moderation personnel, <u>their training and local expertise</u> . This concerns in particular the speed and quality of processing of notices, which in general should go beyond benchmarks set by established best practices. This includes in particular the commitment to process a majority of valid notifications for removal of illegal hate speech in less than 24 hours under the 2016 Hate speech Code of Conduct. Other types of illegal content may require longer or shorter timelines for processing of notices, which will depend on the facts, circumstances and types of illegal content at hand. Providers may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations. (58b) Providers of very large

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		avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service. <u><i>The Commission should evaluate the implementation and effectiveness of the mitigating measures and issue recommendations when the measures implemented are deemed inappropriate or ineffective to address the systemic risk at stake.</i></u>	initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. In selecting the appropriate mitigation measures, providers can consider, where appropriate, industry best practices, including as established through self regulatory cooperation, codes of conduct, as well as guidelines from the Commission. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the specific risks identified, in the interest of safeguarding public order, protecting privacy and fighting fraudulent and deceptive commercial practices, and should be proportionate in light of the economic capacity of the provider of the very large online platform's economic capacity or	online platforms should also be diligent in the measures they take to test and, where necessary, adapt their algorithmic systems, not least their recommender systems. They may need to mitigate the negative effects of personalised recommendations and correct the criteria used in their recommendations. The advertising systems used by providers of very large online platforms can also be a catalyser for the systemic risks. Providers should consider corrective measures, such as discontinuing advertising revenue for specific information, or other actions, such as improving the visibility of authoritative information sources, <u><i>or more structurally adapting their advertising systems.</i></u> Providers of very large online platforms may need to reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. <u><i>In particular where risks are</i></u>

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			of very large online search engines and the need to avoid unnecessary restrictions on the use of their service, taking due account of potential negative effects on the fundamental rights of the recipients of the service.	<u>shared across different online platforms</u>, they should cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. They should also consider awareness-raising actions, in particular where risks relate to disinformation campaigns. (58d) <u>Especially when their services</u> are primarily aimed at minors or pre-dominantly used by them, providers of very large online platforms <u>should take into account the best interests</u> of minors in taking measures such as designing their service and their online interface. They should ensure that their services are organised in a way that allows minors to access easily mechanisms provided for in this Regulation, including notice and action and complaint mechanisms. They should also take measures to protect minors from content that may impair the physical, mental or moral development and provide tools

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				that enable conditional access to such information. In selecting the appropriate mitigation measures, providers can consider, where appropriate, industry best practices, including as established through self regulatory cooperation, such as codes of conduct, as well as guidelines from the Commission.
	Recital 59			
70	(59) Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations.	(59) Very large online platforms should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, ~~representatives of groups potentially impacted by their services,~~ independent experts and civil society organisations.	(59) Providers of very large online platforms and of very large online search engines should, where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. In the assessment on whether a measure is reasonable, proportionate and effective, special consideration should be	(59) Providers of very large online platforms and of very large online search engines <u>should ensure that their approach to risk assessment and mitigation is based on the best available information and scientific insights and that they test their assumptions with the groups most impacted by the risks and the measures they take.</u> <u>To this end, they should,</u> where appropriate, conduct their risk assessments and design their risk mitigation measures with the involvement of representatives of the recipients of the service,

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			given to the right to freedom of expression.	representatives of groups potentially impacted by their services, independent experts and civil society organisations. <u>They should seek to embed such consultations into their methodologies for assessing the risks and designing mitigation measures, including, as appropriate, surveys, focus groups, round tables, and other consultation and design methods.</u> In the assessment on whether a measure is reasonable, proportionate and effective, special consideration should be given to the right to freedom of expression.
Recital 60				
71	(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments undertaking pursuant to codes of conduct and crises protocols. They	(60) Given the need to ensure verification by independent experts, very large online platforms should be accountable, through <u>external</u> independent auditing, for their compliance with the obligations laid down by this Regulation. <u>In particular, audits should assess the clarity, coherence and predictable enforcement of terms of service,</u>	(60) Given the need to ensure verification by independent experts, providers of very large online platforms and of very large online search engines should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments	(60) Given the need to ensure verification by independent experts, providers of very large online platforms and of very large online search engines should be accountable, through independent auditing, for their compliance with the obligations laid down by this Regulation and, where relevant, any complementary commitments

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	should give the auditor access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence is not beyond doubt, they should resign or abstain from the audit engagement.	<u>the completeness, methodology and consistency of the transparency reporting obligations, the accuracy, predictability and clarity of the provider's follow-up for recipients of the service and notice providers regarding notices of illegal content and terms of service violations, the accuracy of classification of removed information, the internal complaint handling mechanism, the interaction with trusted flaggers and assessment of their accuracy, the diligence with regard to the verification of the traceability of traders, the adequateness and correctness of the risk assessment, the adequateness and effectiveness of the risk mitigation measures taken</u> and, where relevant, any complementary commitments ~~undertaking~~undertaken pursuant to codes of conduct and crises protocols. They should give the vetted auditor access to all relevant data necessary to perform the audit properly. Auditors should also be able to make use of other sources	~~undertaking~~undertaken pursuant to codes of conduct and crises protocols. They should give the auditor access to all relevant data necessary to perform the audit properly, including, where appropriate, to data related to algorithmic systems. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Audits should be performed according to best industry practices, with due regard, as appropriate, to auditing standards and guidelines. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence and technical competence is not	~~undertaking~~undertaken pursuant to codes of conduct and crises protocols. They should give the auditor access to all relevant data necessary to perform the audit properly, including, where appropriate, to data related to algorithmic systems. Auditors should also be able to make use of other sources of objective information, including studies by vetted researchers. Audits should be performed according to best industry practices, with due regard, as appropriate, to auditing standards and guidelines. Auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. Auditors should be independent, so as to be able to perform their tasks in an adequate and trustworthy manner. If their independence and technical competence is not beyond doubt,

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		of objective information, including studies by vetted researchers. <u>Vetted</u> auditors should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks and have the necessary expertise in the area of risk management and technical competence to audit algorithms. <u>This guarantee should not be a means to circumvent the applicability of audit obligations in this Regulation applicable to very large online platforms.</u> Auditors should be <u>legally and financially</u> independent <u>and should not have conflict of interest involving the very large online platform concerned and other very large online platforms,</u> so as to be able to perform their tasks in an adequate and trustworthy manner. <u>Additionally, vetted auditors and their employees should not have provided any service to the very large online platform audited for 12 months before the audit. They should also commit not to work for the very large online platform</u>	beyond doubt, they should resign or abstain from the audit engagement.	they should resign or abstain from the audit engagement. Identical to the GA

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		<u>audited or a professional organisation or business association of which the platform is a member for 12 months after their position in the auditing organisation has ended.</u> If their independence is not beyond doubt, they should resign or abstain from the audit engagement.		
Recital 61				
72	(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. The report should include an audit	(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the very large online platform to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board without delay, together with the risk assessment and the mitigation measures, as well as the platform's plans for addressing the audit's recommendations. <u>Where applicable, the report should</u>	(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the providers of the very large online platform and of the very large online search engine to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board ~~without delay~~ within 30 days following the adoption of the	(61) The audit report should be substantiated, so as to give a meaningful account of the activities undertaken and the conclusions reached. It should help inform, and where appropriate suggest improvements to the measures taken by the providers of the very large online platform and of the very large online search engine to comply with their obligations under this Regulation. The report should be transmitted to the Digital Services Coordinator of establishment and the Board ~~without delay~~ within 30 days following the adoption of the audit implementing report, together with the risk assessment

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	opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken.	<u><i>include a description of specific elements that could not be audited, and an explanation of why these could not be audited.</i></u> The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform does not comply with this Regulation or the commitments undertaken. <u><i>Where the audit opinion could not reach</i></u>	audit implementing report, together with the risk assessment and the mitigation measures, as well as the plans of the provider of the very large online platform's plans for or of the very large online search engine addressing the audit's recommendations. The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform or the very large online search engine complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the	and the mitigation measures, as well as the plans of the provider of the very large online platform's plans for or of the very large online search engine addressing the audit's recommendations. The report should include an audit opinion based on the conclusions drawn from the audit evidence obtained. A positive opinion should be given where all evidence shows that the very large online platform or the very large online search engine complies with the obligations laid down by this Regulation or, where applicable, any commitments it has undertaken pursuant to a code of conduct or crisis protocol, in particular by identifying, evaluating and mitigating the systemic risks posed by its system and services. A positive opinion should be accompanied by comments where the auditor wishes to include remarks that do not have a substantial effect on the outcome of the audit. A negative opinion should be given where the auditor considers that

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		<u>a conclusion for specific elements that fall within the scope of the audit, a statement of reasons for the failure to reach such a conclusion should be included in the audit opinion.</u>	outcome of the audit. A negative opinion should be given where the auditor considers that the very large online platform or the very large online search engine does not comply with this Regulation or the commitments undertaken.	the very large online platform or the very large online search engine does not comply with this Regulation or the commitments undertaken. Identical to the GA
Recital 62				
73	(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They also play an important role in the	(62) A core part of a very large online platform's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. <u>Often, they facilitate the search for relevant</u>	(62) A core part of a very large online platform's and a very large online search engine's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online.	(62) A core part of a very large online platform's and a very large online search engine's business is the manner in which information is prioritised and presented on its online interface to facilitate and optimise access to information for the recipients of the service. This is done, for example, by algorithmically suggesting, ranking and prioritising information, distinguishing through text or other visual representations, or otherwise curating information provided by recipients. Such recommender systems can have a significant impact on the ability of recipients to retrieve and interact with information online. They

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

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		<i>options, the reason why, and how to modify the parameters used to curate the content presented</i> for the ~~main parameters, including options that are not based on profiling of the recipient~~ recipients. <i>Very large online platforms should implement appropriate technical and organisational measures for ensuring that recommender systems are designed in a consumer friendly manner and do not influence end users' behaviour through dark patterns.</i>	service are appropriately informed, and can influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients of the service understand how information is prioritised for them. They should also ensure that the recipients of the service enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient.	influence the information presented to them. They should clearly present the main parameters for such recommender systems in an easily comprehensible manner to ensure that the recipients of the service understand how information is prioritised for them. They should also ensure that the recipients of the service enjoy alternative options for the main parameters, including options that are not based on profiling of the recipient. Identical to the GA
Recital 63				
74	(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements	(63) Advertising systems used by very large online platforms pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's online interface. Very large online platforms should ensure public access to repositories of advertisements	(63) Advertising systems used by very large online platforms and very large online search engines pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's or search engine's online interface. Providers of	(63) Advertising systems used by very large online platforms and very large online search engines pose particular risks and require further public and regulatory supervision on account of their scale and ability to target and reach recipients of the service based on their behaviour within and outside that platform's or search engine's online interface. Providers of very large online

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	displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned.	displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements, <u>including the name of the product, service or brand and the object of the advertisement</u>, and related data on the advertiser, <u>and, if different, the natural or legal person who paid for the advertisement</u>, and the delivery of the advertisement, in particular where targeted advertising is concerned. <u>In addition, very large online platforms should label any known deep fake videos, audio or other files.</u>	very large online platforms and of very large online search engines should ensure public access to repositories of advertisements ~~displayed~~presented on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, ~~civil~~civic discourse, political participation, and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned. This information should include both information about targeting criteria and delivery criteria, in particular when advertisements are delivered to persons in vulnerable situations, such as minors.	platforms and of very large online search engines should ensure public access to repositories of advertisements ~~displayed~~presented on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, ~~civil~~civic discourse, political participation, and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement, in particular where targeted advertising is concerned. This information should include both information about targeting criteria and delivery criteria, in particular when advertisements are delivered to persons in vulnerable situations, such as minors. Identical to the GA

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	Recital 64			
75	(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online	(64) In order to appropriately supervise the compliance of very large online platforms with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data <u>and algorithms</u>. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Investigations by <u>vetted</u> researchers, <u>vetted not-for-profit bodies, organisations or associations</u>, on the evolution and severity of online systemic risks are particularly important for	(64) In order to appropriately ~~supervise~~monitor and assess the compliance of very large online platforms and very large online search engines with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's or search engine's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, including, where appropriate training data and algorithms, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Such data access	(64) In order to appropriately ~~supervise~~monitor and assess the compliance of very large online platforms and very large online search engines with the obligations laid down by this Regulation, the Digital Services Coordinator of establishment or the Commission may require access to or reporting of specific data. Such a requirement may include, for example, the data necessary to assess the risks and possible harms brought about by the platform's or search engine's systems, data on the accuracy, functioning and testing of algorithmic systems for content moderation, recommender systems or advertising systems, including, where appropriate training data and algorithms, or data on processes and outputs of content moderation or of internal complaint-handling systems within the meaning of this Regulation. Such data access requests do not include requests

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	platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers. All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service.	bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms to vetted researchers, <u>not-for-profit bodies, organisations or associations</u> . All requirements for access to data under that framework should be proportionate and appropriately protect the rights and legitimate interests, including <u>personal data</u> , trade secrets and other confidential information, of the platform and any other parties concerned, including the recipients of the service. <u>Vetted researchers, not-for-profit bodies, organisations or associations should guarantee the confidentiality, security and integrity of the information, such as trade secrets, that they obtain when performing their tasks.</u>	requests do not include requests to produce specific information about individual recipients of the service for the purpose of determining compliance of the recipients with other applicable Union or national law. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, online search engines , Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms and very large online search engines to researchers to vetted researchers. All requirements by the Digital Services Coordinator of establishment of a very large online platform provider, or the Commission. All requests for access to data	to produce specific information about individual recipients of the service for the purpose of determining compliance of the recipients with other applicable Union or national law. Investigations by researchers on the evolution and severity of online systemic risks are particularly important for bridging information asymmetries and establishing a resilient system of risk mitigation, informing online platforms, online search engines , Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for compelling access to data from very large online platforms and very large online search engines to researchers to vetted researchers. All requirements by the Digital Services Coordinator of establishment of a very large online platform provider, or the Commission. All requests for access to data under that framework should be proportionate and appropriately

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			under that framework should be proportionate and appropriately protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform or the search engine and any other parties concerned, including the recipients of the service. In addition, where data is publicly accessible, the providers of very large online platforms should not prevent researchers meeting a appropriate subset of criteria from using this data for research purposes that contribute to the detection, identification and understanding of systemic risks. Providers and researchers should also pay particular attention to the protection of personal data. Providers should anonymise or pseudonymise personal data except in those cases that would render impossible the research purpose pursued.	protect the rights and legitimate interests, including trade secrets and other confidential information, of the platform or the search engine and any other parties concerned, including the recipients of the service. In addition, where data is publicly accessible, the providers of very large online platforms should not prevent researchers meeting a appropriate subset of criteria from using this data for research purposes that contribute to the detection, identification and understanding of systemic risks. Providers and researchers should also pay particular attention to the protection of personal data. Providers should anonymise or pseudonymise personal data except in those cases that would render impossible the research purpose pursued. Identical to the GA
	Recital 65			
Y	76			Y

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	(65) Given the complexity of the functioning of the systems deployed and the systemic risks they present to society, very large online platforms should appoint compliance officers, which should have the necessary qualifications to operationalise measures and monitor the compliance with this Regulation within the platform's organisation. Very large online platforms should ensure that the compliance officer is involved, properly and in a timely manner, in all issues which relate to this Regulation. In view of the additional risks relating to their activities and their additional obligations under this Regulation, the other transparency requirements set out in this Regulation should be complemented by additional transparency requirements applicable specifically to very large online platforms, notably to report on the risk assessments performed and subsequent measures adopted as provided by this Regulation.	(65) Given the complexity of the functioning of the systems deployed and the systemic risks they present to society, very large online platforms should appoint compliance officers, which should have the necessary qualifications to operationalise measures and monitor the compliance with this Regulation within the platform's organisation. Very large online platforms should ensure that the compliance officer is involved, properly and in a timely manner, in all issues which relate to this Regulation. In view of the additional risks relating to their activities and their additional obligations under this Regulation, the other transparency requirements set out in this Regulation should be complemented by additional transparency requirements applicable specifically to very large online platforms, notably to report on the risk assessments performed and subsequent measures adopted as provided by this Regulation.	(65) Given the complexity of the functioning of the systems deployed and the systemic risks they present to society, providers of very large online platforms and of very large online search engines should ~~appoint~~establish a compliance officersfunction, which should be independent from the operational functions of the providers. The head of the compliance function should report directly to the management of the provider, including for concerns of non-compliance with this Regulation. The compliance officers that are part of the compliance function should have the necessary qualifications, knowledge, experience and ability to operationalise measures and monitor the compliance with this Regulation within the organisation of the providers of very large online platform's organisation or of very large online search engine. Providers of very large online platforms and of very large	(65) Given the complexity of the functioning of the systems deployed and the systemic risks they present to society, providers of very large online platforms and of very large online search engines should ~~appoint~~establish a compliance officersfunction, which should be independent from the operational functions of the providers. The head of the compliance function should report directly to the management of the provider, including for concerns of non-compliance with this Regulation. The compliance officers that are part of the compliance function should have the necessary qualifications, knowledge, experience and ability to operationalise measures and monitor the compliance with this Regulation within the organisation of the providers of very large online platform's organisation or of very large online search engine. Providers of very large online platforms and of very large online search engines should ensure that the

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			online search engines should ensure that the compliance officerfunction is involved, properly and in a timely manner, in all issues which relate to this Regulation. In view of the additional risks relating to their activities and their additional obligations under this Regulation, the other transparency requirements set out in this Regulation should be complemented by additional transparency requirements applicable specifically to including in the risk assessment and mitigation strategy and specific measures, as well as assessing compliance, where applicable, with commitments made by the provider of very large online platforms, notably to report on the risk assessments performed and subsequent measures adopted as provided by this Regulationplatform or of very large online search engine under the codes of conduct they subscribe to.	compliance officerfunction is involved, properly and in a timely manner, in all issues which relate to this Regulation. In view of the additional risks relating to their activities and their additional obligations under this Regulation, the other transparency requirements set out in this Regulation should be complemented by additional transparency requirements applicable specifically to including in the risk assessment and mitigation strategy and specific measures, as well as assessing compliance, where applicable, with commitments made by the provider of very large online platforms, notably to report on the risk assessments performed and subsequent measures adopted as provided by this Regulationplatform or of very large online search engine under the codes of conduct they subscribe to. Identical to the GA

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Recital 65a			
76a			(65a) In view of the additional risks relating to their activities and their additional obligations under this Regulation, additional transparency requirements should apply specifically to very large online platforms and very large online search engines, notably to report comprehensively on the risk assessments performed and subsequent measures adopted as provided by this Regulation.	(65a) In view of the additional risks relating to their activities and their additional obligations under this Regulation, additional transparency requirements should apply specifically to very large online platforms and very large online search engines, notably to report comprehensively on the risk assessments performed and subsequent measures adopted as provided by this Regulation. Identical to the GA
	Recital 66			
77	(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as	(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary ~~industry~~ standards covering certain technical procedures, where the industry can help develop standardised means to comply with this Regulation, such as	(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to ~~comply~~ support	(66) To facilitate the effective and consistent application of the obligations in this Regulation that may require implementation through technological means, it is important to promote voluntary industry standards covering certain technical procedures, where the industry can help develop standardised means to ~~comply~~ support providers of

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	allowing the submission of notices, including through application programming interfaces, or about the interoperability of advertisement repositories. Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.	allowing the submission of notices, including through application programming interfaces, ~~or~~ about the interoperability of advertisement repositories, <u>or about terms and conditions</u> . Such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate. <u>In the absence of relevant standards agreed within [24 months after the entry into force of this Regulation], the Commission should be able to establish technical specifications by implementing acts until a voluntary standard is agreed.</u>	providers of intermediary services in complying with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or standards relating to audits, or about the interoperability of advertisement repositories. Providers of intermediary services are free to adopt the standards, but their adoption does not presume compliance with this Regulation. At the same time, by providing best practices, such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate.	intermediary services in complying with this Regulation, such as allowing the submission of notices, including through application programming interfaces, or standards relating to audits, or about the interoperability of advertisement repositories. Providers of intermediary services are free to adopt the standards, but their adoption does not presume compliance with this Regulation. At the same time, by providing best practices, such standards could in particular be useful for relatively small providers of intermediary services. The standards could distinguish between different types of illegal content or different types of intermediary services, as appropriate. Identical to the GA
	Recital 67			
78	(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this	(67) The Commission and the Board should encourage the drawing-up of codes of conduct <u>as well as the compliance with the</u>	(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of	(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		same codes of conduct.		
	Recital 68			
79	(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online	(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation, or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of ~~fake~~<u>intentionally inaccurate</u> or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code	(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities or any adverse effects on minors. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of ~~fake~~inaccurate or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as ~~children~~minors. In relation to	(68) It is appropriate that this Regulation identify certain areas of consideration for such codes of conduct. In particular, risk mitigation measures concerning specific types of illegal content should be explored via self- and co-regulatory agreements. Another area for consideration is the possible negative impacts of systemic risks on society and democracy, such as disinformation or manipulative and abusive activities or any adverse effects on minors. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of ~~fake~~inaccurate or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as ~~children~~minors. In relation to such areas,

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	platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.	of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. ~~The refusal without proper explanations by an online platform of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform has infringed the obligations laid down by this Regulation.~~	such areas, adherence to and compliance with a given code of conduct by a very large online platform or a very large online search engine may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by a provider of an online platform or of an online search engine of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform or the online search engine has infringed the obligations laid down by this Regulation. The mere fact of participating in a given Code of Conduct should not in itself presume compliance with this Regulation.	adherence to and compliance with a given code of conduct by a very large online platform or a very large online search engine may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by a provider of an online platform or of an online search engine of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform or the online search engine has infringed the obligations laid down by this Regulation. The mere fact of participating in a given Code of Conduct should not in itself presume compliance with this Regulation. Identical to the GA
	Recital 69			
80	(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts	(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts	(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts	(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan.	at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. ~~In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced~~ <u>The Commission should also encourage the development of codes of conduct to facilitate compliance with obligations in areas, such as protection of minors or short-term rental. Other areas for consideration could be to promote diversity of information through support of high quality journalism and to foster credibility of information, whilst respecting confidentiality of journalistic sources. Moreover, it is important to ensure consistency with already existing enforcement mechanisms, such as those in the European Democracy Action Plan</u> <u>area of electronic communications or media and</u>	at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan.	at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech as well as the Code of practice on disinformation. In particular for the latter, the Commission will issue guidance for strengthening the Code of practice on disinformation as announced in the European Democracy Action Plan. Identical to the GA

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		<u>with independent regulatory structures in these fields as defined by Union and national law.</u>		
Recital 70				
81	(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms and very large online platforms set out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported, technically sound, effective and offer the highest levels of user-friendliness to ensure that the transparency	(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms and very large online platforms set out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported, technically sound, effective and offer the highest levels of user-friendliness to ensure that the transparency	(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms, very large online platforms and very large online platformssearch engines set out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported,	(70) The provision of online advertising generally involves several actors, including intermediary services that connect publishers of advertising with advertisers. Codes of conducts should support and complement the transparency obligations relating to advertisement for online platforms, very large online platforms and very large online search engines set out in this Regulation in order to provide for flexible and effective mechanisms to facilitate and enhance the compliance with those obligations, notably as concerns the modalities of the transmission of the relevant information. The involvement of a wide range of stakeholders should ensure that those codes of conduct are widely supported, technically sound, effective and offer the

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	obligations achieve their objectives.	obligations achieve their objectives. <u><i>The effectiveness of the codes of conduct should be regularly assessed. Unlike legislation, codes of conduct are not subject to democratic scrutiny and their compliance with fundamental rights is not subject to judicial review. In order to enhance accountability, participation and transparency, procedural safeguards for drawing up codes of conduct are needed. Before initiating or facilitating the drawing-up or the revision of codes of conduct, the Commission may invite where appropriate, the Fundamental Rights Agency or the European Data Protection Supervisor to express their opinion.</i></u>	technically sound, effective and offer the highest levels of user-friendliness to ensure that the transparency obligations achieve their objectives.	highest levels of user-friendliness to ensure that the transparency obligations achieve their objectives. Identical to the GA
	Recital 71			
82	(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of crisis protocols to coordinate a rapid, collective and cross-border response in the online	(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of <u>voluntary</u> crisis protocols to coordinate a rapid, collective and cross-border	(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of crisis protocols to coordinate a rapid, collective and cross-border response in the	(71) In case of extraordinary circumstances affecting public security or public health, the Commission may initiate the drawing up of <u>voluntary</u> crisis protocols to coordinate a rapid, collective and cross-border

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content.	online platforms to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content.	very large online platforms and of very large online search engines to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content.	participating providers of very large online platforms and of very large online search engines to monitor the information which they transmit or store, nor actively to seek facts or circumstances indicating illegal content. Identical to the GA
	Formula			
G	118	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION: G
	Chapter I			
G	119	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions G
	Article 1			
G	120	Article 1 Subject matter and scope	Article 1 Subject matter ~~and scope~~	Article 1 Subject matter Identical to the compromise presented on March, 1 st – WK 2735/2022 G
	Article 1(-1)			

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Y	120a		0. The aim of this Regulation is to contribute to the proper functioning of the internal market for intermediary services by setting out harmonised rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.	0. The aim of this Regulation is to contribute to the proper functioning of the internal market for intermediary services by setting out harmonised rules for a safe, predictable, and trusted online environment, <u>that facilitates innovation</u> , where fundamental rights enshrined in the Charter, <u>including consumer protection</u> , are effectively protected. <u>["Accessible" to be discussed with article 19a]</u>
	Article 1(1), introductory part			
G	121	1. This Regulation lays down harmonised rules on the provision of intermediary services in the internal market. In particular, it establishes:	1. This Regulation lays down harmonised rules on the provision of intermediary services in the internal market. In particular, it establishes:	1. This Regulation lays down harmonised rules on the provision of intermediary services in the internal market. In particular, it establishes:
	Article 1(1), point (a)			
G	122	(a) a framework for the conditional exemption from liability of providers of	(a) a framework for the conditional exemption from liability of providers of	(a) a framework for the conditional exemption from liability of providers of

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	intermediary services;	intermediary services;	intermediary services;	intermediary services;
	Article 1(1), point (b)			
G 123	(b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services;	(b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services;	(b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services;	(b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services;
	Article 1(1), point (c)			
G 124	(c) rules on the implementation and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities.	(c) rules on the implementation and enforcement of <u>the requirements set out in</u> this Regulation, including as regards the cooperation of and coordination between the competent authorities.	(c) rules on the implementation and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities.	(c) rules on the implementation and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities.
	Article 1(2), introductory part			
G 125	2. The aims of this Regulation are to:	2. The aims of this Regulation are to:	~~2. The aims of this Regulation are to:~~ [moved to paragraph 0]	moved to paragraph 0
	Article 1(2), point (a)			
G 126	(a) contribute to the proper	(a) contribute to the proper	~~(a) contribute to the proper~~	

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	functioning of the internal market for intermediary services;	functioning of the internal market for intermediary services;	functioning of the internal market for intermediary services; moved to paragraph 0	moved to paragraph 0
	Article 1(2), point (b)			
127	(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.	(b) set out ~~uniform~~ <u>harmonised</u> rules for a safe, <u>accessible</u> , predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected.	(b) set out uniform rules for a safe, predictable and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected. moved to paragraph 0	moved to paragraph 0
	Article 1(2), point (ba)			
127a		<u>(ba) promote a high level of consumer protection and contribute to increased consumer choice while facilitating innovation, support digital transition and encourage economic growth within the internal market.</u>		Deletion, see row 120a
	Article 1(3)			
128				

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	3. This Regulation shall apply to intermediary services provided to recipients of the service that have their place of establishment or residence in the Union, irrespective of the place of establishment of the providers of those services.	~~3. This Regulation shall apply to intermediary services provided to recipients of the service that have their place of establishment or residence in the Union, irrespective of the place of establishment of the providers of those services.~~ moved to new 1a	3. This Regulation shall apply to intermediary services ~~provided~~ offered to recipients of the service that have their place of establishment or ~~residence~~ are located in the Union, irrespective of the place of establishment of the providers of those services.	moved to new Article 1a
	Article 1(4)			
129	4. This Regulation shall not apply to any service that is not an intermediary service or to any requirements imposed in respect of such a service, irrespective of whether the service is provided through the use of an intermediary service.	~~4. This Regulation shall not apply to any service that is not an intermediary service or to any requirements imposed in respect of such a service, irrespective of whether the service is provided through the use of an intermediary service.~~ moved to new 1a	4. This Regulation shall not apply to any service that is not an intermediary service or to any requirements imposed in respect of such a service, irrespective of whether the service is provided through the use of an intermediary service.	moved to new Article 1a
	Article 1(4a)			
129a			4a. This Regulation shall not affect the application of Directive 2000/31/EC.	moved to new Article 1a

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	Article 1(5), introductory part			
130	5. This Regulation is without prejudice to the rules laid down by the following:	~~5. This Regulation is without prejudice to the rules laid down by the following:~~ moved to new 1a	5. This Regulation is without prejudice to the rules laid down by other Union legal acts regulating other aspects of the provision of intermediary services in the internal market or specifying and complementing this Regulation, in particular, the following:	moved to new Article 1a
	Article 1(5), point (a)			
131	(a) Directive 2000/31/EC;	~~(a) Directive 2000/31/EC;~~ moved to new 1a	(a) ~~Directive 2000/31/EC;~~	moved to new Article 1a
	Article 1(5), point (b)			
132	(b) Directive 2010/13/EC;	~~(b) Directive 2010/13/EC;~~ moved to new 1a	(b) Directive 2010/13/EC2010/13/EU;	moved to new Article 1a
	Article 1(5), point (c)			
133	(c) Union law on copyright and related rights;	~~(c) Union law on copyright and related rights;~~	(c) Union law on copyright and related rights;	moved to new Article 1a

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		moved to new 1a		
	Article 1(5), point (d)			
G 134	(d) Regulation (EU) .../.... on preventing the dissemination of terrorist content online [TCO once adopted];	~~(d) Regulation (EU) .../.... on preventing the dissemination of terrorist content online [TCO once adopted];~~ moved to new 1a	(d) Regulation (EU) .../.... on preventing the dissemination of terrorist content online [TCO once adopted]2021/784;	moved to new Article 1a
	Article 1(5), point (e)			
G 135	(e) Regulation (EU) .../....on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU) .../....laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings [e-evidence once adopted]	~~(e) Regulation (EU) .../....on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU) .../....laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings [e-evidence once adopted]~~ moved to new 1a	(e) Regulation (EU) .../....on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU) .../....laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings [e-evidence once adopted]	deleted
	Article 1(5), point (f)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
136	(f) Regulation (EU) 2019/1148;	~~(f) Regulation (EU) 2019/1148;~~ moved to new 1a	(f) Regulation (EU) 2019/1148;	moved to new Article 1a
Article 1(5), point (g)				
137	(g) Regulation (EU) 2019/1150;	~~(g) Regulation (EU) 2019/1150;~~ moved to new 1a	(g) Regulation (EU) 2019/1150;	moved to new Article 1a
Article 1(5), point (h)				
138	(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394;	~~(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394;~~ moved to new 1a	(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394;	moved to new Article 1a
Article 1(5), point (i)				
139	(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC.	~~(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC;~~ moved to new 1a	(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC.	moved to new Article 1a

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	Article 1(5), point (ia)			
G	139a		(j) Union law in the field of judicial cooperation in civil matters, in particular Regulation (EU) 1215/2012 or any Union legal act in the field of law applicable to contractual and non-contractual obligations;	moved to new Article 1a G
	Article 1(5), point (ib)			
G	139b		(k) Union law in the field of judicial cooperation in criminal matters, in particular Regulation (EU) .../... on European Production and Preservation Orders for electronic evidence in criminal matters;	moved to new Article 1a G
	Article 1(5), point (ic)			
G	139c		(l) Directive (EU) .../... laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings.	moved to new Article 1a G

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	Article 1a			
Y	139d	<u>Article 1a</u> <u>Scope</u>		<u>Article 1a</u> <u>Scope</u> Identical to the compromise presented on March, 1 st – WK 2735/2022
	Article 1a(1)			
G	139e	<u>1. This Regulation shall apply to intermediary services provided to recipients of the service that have their place of establishment or residence in the Union, irrespective of the place of establishment of the providers of those services.</u>		<u>1. This Regulation shall apply to intermediary services offered to recipients of the service that have their place of establishment or are located in the Union, irrespective of the place of establishment of the providers of those services.</u> Identical to row 128 of Council mandate
	Article 1a(2)			
G	139f	<u>2. This Regulation shall not apply to any service that is not an intermediary service or to any requirements imposed in respect of such a service, irrespective of</u>		<u>2. This Regulation shall not apply to any service that is not an intermediary service or to any requirements imposed in respect of such a service, irrespective of</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>whether the service is provided through the use of an intermediary service.</u>		<u>whether the service is provided through the use of an intermediary service.</u> Identical to row 129 of Council mandate
Article 1a(3)				
139g		<u>3. This Regulation is without prejudice to the rules laid down by the following:</u> (a) <u>Directive 2000/31/EC;</u> (b) <u>Directive 2010/13/EC;</u> (c) <u>Union law on copyright and related rights, in particular Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market;</u> (d) <u>Regulation (EU) 2021/784 on addressing the dissemination of terrorist content online;</u> (e) <u>Regulation (EU) on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU) laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal</u>		<u>2a. This Regulation shall not affect the application of Directive 2000/31/EC.</u> <u>3. This Regulation is without prejudice to the rules laid down by other Union legal acts regulating other aspects of the provision of intermediary services in the internal market or specifying and complementing this Regulation, in particular, the following:</u> (a) <u>Directive 2000/31/EC;</u> (b) <u>Directive 2010/13/EU;</u> (c) <u>Union law on copyright and related rights;</u> (d) <u>Regulation (EU) 2021/784 ;</u>

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		<u>proceedings [e-evidence once adopted]</u> <u>(f) Regulation (EU) 2019/1148;</u> <u>(g) Regulation (EU) 2019/1150;</u> <u>(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394, Regulation (EU) 2019/1020 and Directive 2001/95/EC on general product safety;</u> <u>(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC.</u> <u>(j) Directive (EU) 2019/882;</u> <u>(k) Directive (EU) 2018/1972;</u> <u>(l) Directive 2013/11/EU.</u>		<u>(e) Regulation (EU) on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU) laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings [e-evidence once adopted]</u> <u>(f) Regulation (EU) 2019/1148;</u> <u>(g) Regulation (EU) 2019/1150;</u> <u>(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394, Regulation (EU) 2019/1020 and Directive 2001/95/EC on general product safety and Directive 2013/11/EU;</u> <u>(i) Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
				<u>2002/58/EC.</u> <u>(m) Union law in the field of judicial cooperation in civil matters, in particular Regulation (EU) 1215/2012 or any Union legal act in the field of law applicable to contractual and non-contractual obligations;</u> <u>(n) Union law in the field of judicial cooperation in criminal matters, in particular Regulation (EU) .../... on European Production and Preservation Orders for electronic evidence in criminal matters;</u> <u>(o) Directive (EU) .../... laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings.</u>
	Article 1a(4)			
G	139h	4. <u>By [12 months after the entry into force of this Regulation] the</u>		<u>[deleted]</u> G

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		<u>Commission shall publish guidelines with regard to the relationship between this Regulation and the legal acts referred to in Article 1a (3).</u>		
	Article 2			
140	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Identical to the compromise presented on March, 1 st – WK 2735/2022, except new compromise in row 161
	Article 2, first paragraph, introductory part			
141	For the purpose of this Regulation, the following definitions shall apply:	For the purpose of this Regulation, the following definitions shall apply:	For the purpose of this Regulation, the following definitions shall apply:	For the purpose of this Regulation, the following definitions shall apply:
	Article 2, first paragraph, point (a)			
142	(a) ‘information society services’ means services within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535;	(a) ‘information society services’ means services ~~within the meaning of~~ <u>as defined in</u> Article 1(1)(b) of Directive (EU) 2015/1535;	(a) ‘information society ~~services~~ service’ means ~~services~~ <u>as defined in</u> Article 1(1)(b) of Directive (EU) 2015/1535;	(a) ‘information society service’ means a service as defined in Article 1(1)(b) of Directive (EU) 2015/1535;
	Article 2, first paragraph, point (b)			

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143	(b) ‘recipient of the service’ means any natural or legal person who uses the relevant intermediary service;	(b) ‘recipient of the service’ means any natural or legal person who uses the relevant intermediary service <u>in order to seek information or to make it accessible</u> ;	(b) ‘recipient of the service’ means any natural or legal person who ~~uses the relevant for~~ uses an intermediary service, in particular for the purposes of seeking information or making it accessible ;	(b) ‘recipient of the service’ means any natural or legal person who uses <u>an intermediary service, in particular for the purposes of seeking information or making it accessible</u> ;
Article 2, first paragraph, point (c)				
144	(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business or profession;	(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, <u>craft</u> , or profession;	(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, craft or profession;	(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, <u>craft</u> , or profession;
Article 2, first paragraph, point (d), introductory part				
145	(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of the provider of information society services which has a substantial connection to the Union; such a substantial connection is deemed to exist where the provider has an establishment in the Union; in the	(d) ‘to offer services in the Union’ means enabling legal or natural persons in one or more Member States to use the services of ~~the a~~ provider of information society services which has a substantial connection ~~to the Union; such a substantial connection is deemed to exist where the provider has an establishment in~~ <u>to</u> the Union; ~~in~~	(d) ‘to offer services in the Union’ means enabling ~~legal or natural~~ natural or legal persons in one or more Member States to use the services of the provider of ~~information~~ society intermediary services which has a substantial connection ~~to the Union; such a substantial connection is deemed~~	(d) ‘to offer services in the Union’ means enabling natural or legal persons in one or more Member States to use the services of the provider of intermediary services which has a substantial connection to the Union;

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	absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:	~~the absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:~~	to exist where the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:	
	Article 2, first paragraph, point (da)			
Y	145a	<u>(da) ‘substantial connection to the Union’ means the connection of a provider with one or more Member States resulting either from its establishment in the Union, or in the absence of such an establishment, from the fact that the provider directs its activities towards one or more Member States;</u>	(da) ‘substantial connection’ means a connection of a provider of intermediary services with the Union resulting either from its establishment in the Union or from specific factual criteria, such as:	(da) ‘substantial connection’ means a connection of a provider of intermediary services with the Union resulting either from its establishment in the Union or from specific factual criteria, such as: Identical to the GA
	Article 2, first paragraph, point (d), first indent			
Y	146	- a significant number of users in one or more Member States; or deleted	- a significant number of usersrecipients of the service in one or more Member States in relation to its or their population; or	- a significant number of usersrecipients of the service in one or more Member States in relation to its or their population; or Identical to the GA

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	Article 2, first paragraph, point (d), second indent			
Y	147 - the targeting of activities towards one or more Member States.	- ~~the targeting of activities towards one or more Member States.~~ deleted	- the targeting of activities towards one or more Member States.	- the targeting of activities towards one or more Member States. Identical to the GA
	Article 2, first paragraph, point (e)			
G	148 (e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;	(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes <u>directly</u> relating to his or her trade, business, craft or profession;	(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;	(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person acting in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession;
	Article 2, first paragraph, point (f), introductory part			
G	149 (f) ‘intermediary service’ means one of the following services:	(f) ‘intermediary service’ means one of the following services:	(f) ‘intermediary service’ means one of the following information society services:	(f) ‘intermediary service’ means one of the following information society services:
	Article 2, first paragraph, point (f), first indent			

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

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	- a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;	- a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;	- a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;	- a ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service;
	Article 2, first paragraph, point (f), fourth indent			
R 152a			- an ‘online search engine’ service that allows recipients of the service to input queries in order to perform searches of, in principle, all websites, or all websites in a particular language, on the basis of a query on any subject in the form of a keyword, voice request, phrase or other input, and returns results in any format in which information related to the requested content can be found;	- an ‘online search engine’ service that allows recipients of the service to input queries in order to perform searches of, in principle, all websites, or all websites in a particular language, on the basis of a query on any subject in the form of a keyword, voice request, phrase or other input, and returns results in any format in which information related to the requested content can be found; Identical to the GA
	Article 2, first paragraph, point (g)			
Y 153	(g) ‘illegal content’ means any information,, which, in itself or by its reference to an activity, including the sale of products or provision of services is not in	(g) ‘illegal content’ means any information,, ~~which, in itself or by its reference to an~~ <u>or</u> activity, including the sale of products or provision of services <u>which</u> is not	(g) ‘illegal content’ means any information,, which, in itself or by its reference to an activity, including the sale of products or provision of services, is not in	(g) ‘illegal content’ means any information,, which, in itself or by its reference to an activity, including the sale of products or provision of services, is not in

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	compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;	in compliance with Union law or the law of a Member State, irrespective of the precise subject matter or nature of that law;	compliance with Union law or the law of ~~any~~ Member State which is in compliance with Union law , irrespective of the precise subject matter or nature of that law;	compliance with Union law or the law of ~~any~~ Member State which is in compliance with Union law , irrespective of the precise subject matter or nature of that law; Identical to the GA
	Article 2, first paragraph, point (h)			
154	(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation.	(h) ‘online platform’ means a provider of a hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor ~~and/or a~~ purely ancillary feature of another service <u>or functionality of the principal service</u> and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature <u>or functionality</u> into the other service is not a means to circumvent the applicability of this Regulation.	(h) ‘online platform’ means a ~~provider of a~~ hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation-;	(h) ‘online platform’ means a ~~provider of a~~ hosting service which, at the request of a recipient of the service, stores and disseminates to the public information, unless that activity is a minor and purely ancillary feature of another service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature into the other service is not a means to circumvent the applicability of this Regulation-; Identical to the GA
	Article 2, first paragraph, point (i)			
155				

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	(i) 'dissemination to the public' means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;	(i) 'dissemination to the public' means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;	(i) 'dissemination to the public' means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;	(i) 'dissemination to the public' means making information available, at the request of the recipient of the service who provided the information, to a potentially unlimited number of third parties;
	Article 2, first paragraph, point (ia)			
R	155a		(ia) 'online marketplace' means an online platform which allows consumers to conclude distance contracts with traders;	(ia) 'online marketplace' means an online platform which allows consumers to conclude distance contracts with traders; Identical to the GA
	Article 2, first paragraph, point (j)			
G	156	(j) 'distance contract' means a contract within the meaning of Article 2(7) of Directive 2011/83/EU;	(j) 'distance contract' means a contract ~~within the meaning of~~ defined in Article 2(7)2 point (7) of Directive 2011/83/EU;	(j) 'distance contract' means a contract within the meaning of Article 2(7) of Directive 2011/83/EU;
	Article 2, first paragraph, point (k)			
Y	157	(k) 'online interface' means any software, including a website or a part thereof, and applications,	(k) 'online interface' means any software, including a website or a part thereof, and applications,	(k) 'online interface' means any software, including a website or a part thereof, and applications,

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	including mobile applications;	including mobile applications <u>which enables the recipients of the service to access and interact with the relevant intermediary service</u> ;	including mobile applications;	including mobile applications; Identical to the GA
	Article 2, first paragraph, point (ka)			
Y	157a	(ka) <u>'trusted flagger' means an entity that has been awarded such status by a Digital Services Coordinator</u> ;		Identical to the GA
	Article 2, first paragraph, point (l)			
G	158	(l) 'Digital Services Coordinator of establishment' means the Digital Services Coordinator of the Member State where the provider of an intermediary service is established or its legal representative resides or is established;	(l) 'Digital Services Coordinator of establishment' means the Digital Services Coordinator of the Member State where the provider of an intermediary service is established or its legal representative resides or is established;	(l) 'Digital Services Coordinator of establishment' means the Digital Services Coordinator of the Member State where the provider of an intermediary service is established or its legal representative resides or is established;
	Article 2, first paragraph, point (m)			
G	159	(m) 'Digital Services Coordinator of destination' means the Digital Services Coordinator of a Member	(m) 'Digital Services Coordinator of destination' means the Digital Services Coordinator of a Member	(m) 'Digital Services Coordinator of destination' means the Digital Services Coordinator of a

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

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				Identical to the GA
	Article 2, first paragraph, point (n)			
Y	160 (n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against remuneration specifically for promoting that information;	(n) ‘advertisement’ means information designed <u>and disseminated</u> to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and displayed by an online platform on its online interface against remuneration specifically <u>in exchange</u> for promoting that ~~information~~ <u>message</u> ;	(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and ~~displayed~~ presented by an online platform on its online interface against remuneration specifically for promoting that information;	(n) ‘advertisement’ means information designed to promote the message of a legal or natural person, irrespective of whether to achieve commercial or non-commercial purposes, and presented by an online platform on its online interface against remuneration specifically for promoting that information;
	Article 2, first paragraph, point (na)			
Y	160a	<u>(na) ‘remuneration’ means economic compensation consisting of direct or indirect payment for the service provided, including where the intermediary service provider is not directly compensated by the recipient of the service or where the recipient of the service provides data to the service provider, except where such data is collected for the sole purpose of meeting legal</u>		Identical to the GA

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		<u>requirements:</u>		
	Article 2, first paragraph, point (o)			
161	(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;	(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest, <u>prioritise or curate</u> in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient or otherwise determining the relative order or prominence of information displayed;	(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient of the service or otherwise determining the relative order or prominence of information displayed;	(o) ‘recommender system’ means a fully or partially automated system used by an online platform to suggest <u>or prioritise</u> in its online interface specific information to recipients of the service, including as a result of a search initiated by the recipient of the service or otherwise determining the relative order or prominence of information displayed; New compromise
	Article 2, first paragraph, point (p)			
162	(p) ‘content moderation’ means the activities undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability,	(p) ‘content moderation’ means the activities, <u>either automated or not automated</u> , undertaken by providers of intermediary services aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken	(p) ‘content moderation’ means the activities, automated or not , undertaken by providers of intermediary services aimed, in particular , at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service,	(p) ‘content moderation’ means the activities, automated or not , undertaken by providers of intermediary services aimed, in particular , at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures

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	visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;	that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, <u>delisting</u> , <u>demonetisation</u> or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;	including measures taken that affect the availability, visibility, and accessibility of that illegal content or that information, such as demotion, demonetisation , disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;	taken that affect the availability, visibility, and accessibility of that illegal content or that information, such as demotion, demonetisation , disabling of access to, or removal thereof, or the recipients' ability to provide that information, such as the termination or suspension of a recipient's account;
	Article 2, first paragraph, point (q)			
Y	163 (q) 'terms and conditions' means all terms and conditions or specifications, irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.	(q) 'terms and conditions' means all terms and conditions or specifications, <u>by the service provider</u> irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services.	(q) 'terms and conditions' means all terms and conditions or ~~specifications~~ clauses , irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services-;	(q) 'terms and conditions' means all terms and conditions or clauses , irrespective of their name or form, which govern the contractual relationship between the provider of intermediary services and the recipients of the services-;
	Article 2, first paragraph, point (r)			
G	163a	<u>(qa) 'persons with disabilities' means persons with disabilities within the meaning of Article 3(1) of Directive (EU) 2019/882.</u>	(r) 'turnover' means the amount derived by an undertaking in accordance with Article 5(1) of Regulation (EC) No 139/2004.	(r) 'turnover' means the amount derived by an undertaking in accordance with Article 5(1) of Regulation (EC) No 139/2004.

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	Chapter II			
164	Chapter II Liability of providers of intermediary services	Chapter II Liability of providers of intermediary services	Chapter II Liability of providers of intermediary services	Chapter II Liability of providers of intermediary services
	Article 3			
165	Article 3 'Mere conduit'	Article 3 'Mere conduit'	Article 3 'Mere conduit'	Article 3 'Mere conduit' Identical to the General approach of the Council except minor linguistic change in row 171
	Article 3(1), introductory part			
166	1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider shall not be liable for the information transmitted, on condition that the provider:	1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider shall not be liable for the information transmitted, on condition that the provider:	1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider shall not be liable for the information transmitted or accessed , on condition that the provider:	1. Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, the service provider shall not be liable for the information transmitted or accessed, on condition that the provider:

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

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	information is not stored for any period longer than is reasonably necessary for the transmission.	information is not stored for any period longer than is reasonably necessary for the transmission.	communication network, and provided that the information is not stored for any period longer than is reasonably necessary for the transmission.	communication network, and provided that the information is not stored for any period longer than is reasonably necessary for the transmission.
	Article 3(3)			
G	171 3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	3. This Article shall not affect the possibility for a ~~court~~ <u>judicial</u> or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	3. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	3. This Article shall not affect the possibility for a ~~court~~ <u>judicial</u> or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.
	Article 4			
R	172 Article 4 'Caching'	Article 4 'Caching'	Article 4 'Caching' and online search engines	Article 4 'Caching' and online search engines Not in the revised mandate - Identical to the General approach of the Council
	Article 4(1), introductory part			
R	173 1. Where an information society service is provided that consists of	1. Where an information society service is provided that consists of	1. Where an information society service is provided that consists	1. Where an information society service is provided that consists of

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	the transmission in a communication network of information provided by a recipient of the service, the service provider shall not be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, on condition that:	the transmission in ~~a~~ communication network of information provided by a recipient of the service, the service provider shall not be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient ~~or secure~~ the information's onward transmission to other recipients of the service upon their request, on condition that ~~the provider~~ :	of the transmission in a communication network of information provided by a recipient of the service, or of an online search engine , the service provider shall not be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, or for the search results locating the information related to the content requested by the recipient of the service , on condition that:	the transmission in a communication network of information provided by a recipient of the service, or of an online search engine , the service provider shall not be liable for the automatic, intermediate and temporary storage of that information, performed for the sole purpose of making more efficient the information's onward transmission to other recipients of the service upon their request, or for the search results locating the information related to the content requested by the recipient of the service , on condition that:
	Article 4(1), point (a)			
G	174	(a) the provider does not modify the information;	(a) ~~the provider~~ does not modify the information;	(a) ~~the provider~~ does not modify the information;
	Article 4(1), point (b)			
G	175	(b) the provider complies with conditions on access to the information;	(b) ~~the provider~~ complies with conditions on access to the information;	(b) ~~the provider~~ complies with conditions on access to the information;

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	Article 4(1), point (c)			
G	176	(c) the provider complies with rules regarding the updating of the information, specified in a manner widely recognised and used by industry;	(c) ~~the provider~~ complies with rules regarding the updating of the information, specified in a manner widely recognised and used by industry;	(c) ~~the provider~~ complies with rules regarding the updating of the information, specified in a manner widely recognised and used by industry;
	Article 4(1), point (d)			
G	177	(d) the provider does not interfere with the lawful use of technology, widely recognised and used by industry, to obtain data on the use of the information; and	(d) ~~the provider~~ does not interfere with the lawful use of technology, widely recognised and used by industry, to obtain data on the use of the information; and	(d) ~~the provider~~ does not interfere with the lawful use of technology, widely recognised and used by industry, to obtain data on the use of the information; and
	Article 4(1), point (e)			
R	178	(e) the provider acts expeditiously to remove or to disable access to the information it has stored upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or an administrative authority has ordered such removal or	(e) ~~the provider~~ acts expeditiously to remove or to disable access to the information it has stored upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or an administrative authority has ordered such removal or	(e) the provider acts expeditiously to remove or to disable access to the information it has stored, indexed or located upon obtaining actual knowledge of the fact that the information at the initial source of the transmission has been removed from the network, or access to it has been disabled, or that a court or an administrative authority has

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	disablement.	disablement.	ordered such removal or disablement.	ordered such removal or disablement.
Article 4(2)				
179	2. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	2. This Article shall not affect the possibility for a ~~court~~ ^{judicial} or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	2. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.	2. This Article shall not affect the possibility for a ~~court~~ ^{judicial} or administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.
Article 5				
180	Article 5 Hosting	Article 5 Hosting	Article 5 Hosting	Article 5 Hosting Identical to the General approach of the Council except minor linguistic change in row 186
Article 5(1), introductory part				
181	1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information	1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information	1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information	1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information

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	stored at the request of a recipient of the service on condition that the provider:	stored at the request of a recipient of the service on condition that the provider:	stored at the request of a recipient of the service on condition that the provider:	stored at the request of a recipient of the service on condition that the provider:
	Article 5(1), point (a)			
182	(a) does not have actual knowledge of illegal activity or illegal content and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent; or	(a) does not have actual knowledge of illegal activity or illegal content and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent; or	(a) does not have actual knowledge of illegal activity or illegal content and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent; or	(a) does not have actual knowledge of illegal activity or illegal content and, as regards claims for damages, is not aware of facts or circumstances from which the illegal activity or illegal content is apparent; or
	Article 5(1), point (b)			
183	(b) upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content.	(b) upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content.	(b) upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content.	(b) upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content.
	Article 5(2)			
184	2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.	2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.	2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.	2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.

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	Article 5(3)			
R 185	3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average and reasonably well-informed consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.	3. Paragraph 1 shall not apply with respect to liability under consumer protection law of online platforms allowing consumers to conclude distance contracts with traders, where such an online platform presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead ~~an average and reasonably well-informed~~ <u>consumer</u> to believe that the information, or the product or service that is the object of the transaction, is provided either by the online platform itself or by a recipient of the service who is acting under its authority or control.	3. Paragraph 1 shall not apply with respect to liability under consumer protection law of ~~online platforms allowing consumers to conclude distance contracts with traders, where such an online platform~~ marketplace presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average ~~and reasonably well-informed~~ consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online ~~platform~~ marketplace itself or by a recipient of the service who is acting under its authority or control.	3. Paragraph 1 shall not apply with respect to liability under consumer protection law of ~~online platforms allowing consumers to conclude distance contracts with traders, where such an online platform~~ marketplace presents the specific item of information or otherwise enables the specific transaction at issue in a way that would lead an average ~~and reasonably well-informed~~ consumer to believe that the information, or the product or service that is the object of the transaction, is provided either by the online ~~platform~~ marketplace itself or by a recipient of the service who is acting under its authority or control.
	Article 5(4)			
G 186	4. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States'	4. This Article shall not affect the possibility for a ~~court~~ <u>judicial</u> or administrative authority, in accordance with Member States'	4. This Article shall not affect the possibility for a court or administrative authority, in accordance with Member States'	4. This Article shall not affect the possibility for a ~~court~~ <u>judicial</u> or administrative authority, in accordance with Member States'

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	legal systems, of requiring the service provider to terminate or prevent an infringement.	legal systems, of requiring the service provider to terminate or prevent an infringement.	legal systems, of requiring the service provider to terminate or prevent an infringement.	legal systems, of requiring the service provider to terminate or prevent an infringement.
	Article 6			
G 187	Article 6 Voluntary own-initiative investigations and legal compliance	Article 6 Voluntary own-initiative investigations and legal compliance	Article 6 Voluntary own-initiative investigations and legal compliance	Article 6 Voluntary own-initiative investigations and legal compliance Identical to the compromise presented on March, 1 st – WK 2735/2022
	Article 6, first paragraph			
Y 188	Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union law, including those set out in this Regulation.	<u>1.</u> Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4, and 5 solely because they carry out voluntary own-initiative investigations or ~~other activities~~ <u>take measures</u> aimed at detecting, identifying and removing, or disabling of access to, illegal content; or take the necessary measures to comply with the requirements of <u>national and</u> Union law, including ~~those~~ <u>the</u>	Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they carry out in good faith and in a diligent manner voluntary own-initiative investigations or other activities aimed at detecting, identifying and removing, or disabling of access to, illegal content, or take the necessary measures to comply with the requirements of Union	Providers of intermediary services shall not be deemed ineligible for the exemptions from liability referred to in Articles 3, 4 and 5 solely because they, in good faith and in a diligent manner , carry out voluntary own-initiative investigations or <u>take other measures</u> aimed at detecting, identifying and removing, or disabling of access to, illegal content; or take the necessary measures to comply with the requirements of <u>national law, in</u>

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		<u>Charter and the requirements</u> set out in this Regulation.	law, including those set out in this Regulation.	<u>compliance with Union law, and</u> Union law, including <u>the requirements</u> set out in this Regulation.
Article 6 (1a)				
R 188a		<u>1a. Providers of intermediary services shall ensure that voluntary own-initiative investigations carried out and measures taken pursuant to paragraph 1 shall be effective and specific. Such own initiative investigations and measures shall be accompanied by appropriate safeguards, such as human oversight, documentation, or any additional measure to ensure and demonstrate that those investigations and measures are accurate, non-discriminatory, proportionate, transparent and do not lead to over-removal of content. Providers of intermediary services shall make best efforts to ensure that where automated means are used, the technology is sufficiently reliable to limit to the maximum extent possible the rate of errors where</u>		[See recital 25]

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		<u>information is wrongly considered as illegal content.</u>		
	Article 7			
Y	189 Article 7 No general monitoring or active fact-finding obligations	Article 7 No general monitoring or active fact-finding obligations	Article 7 No general monitoring or active fact-finding obligations	Article 7 No general monitoring or active fact-finding obligations Identical to the compromise presented on March, 1 st – WK 2735/2022
	Article 7, first paragraph			
Y	190 No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.	<u>1.</u> No general obligation to monitor, <u>neither de jure, nor de facto, through automated or non-automated means</u> , the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity <u>or for monitoring the behaviour of natural persons</u> shall be imposed on those providers.	No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.	No general obligation to monitor the information which providers of intermediary services transmit or store, nor actively to seek facts or circumstances indicating illegal activity shall be imposed on those providers.
	Article 7 (1a)			
Y	190a			

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		<u><i>1a. Providers of intermediary services shall not be obliged to use automated tools for content moderation or for monitoring the behaviour of natural persons.</i></u>		[deleted]
	Article 7 (1b)			
Y	190b	<u><i>1b. Member States shall not prevent providers of intermediary services from offering end-to-end encrypted services.</i></u>		[deleted] Y
	Article 7 (1c)			
Y	190c	<u><i>1c. Member States shall not impose a general obligation on providers of intermediary services to limit the anonymous use of their services. Member States shall not oblige providers of intermediary services to generally and indiscriminately retain personal data of the recipients of their services. Any targeted retention of a specific recipient's data shall be ordered by a judicial authority in accordance with Union or national law.</i></u>		[deleted] Y

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	Article 7 (1d)			
Y	190d	<u>1d. Without prejudice to Regulation (EU) 2016/679 and Directive 2002/58/EC, providers shall make reasonable efforts to enable the use of and payment for that service without collecting personal data of the recipient.</u>		[deleted]
	Article 8			
G	191	Article 8 Orders to act against illegal content	Article 8 Orders to act against illegal content	Article 8 Orders to act against illegal content Identical to the compromise presented on March, 1 st – WK 2735/2022, except new recital proposal in row 195a
	Article 8(1)			
Y	192	1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with	1. Providers of intermediary services shall, upon the receipt <u>via a secure communications channel</u> of an order to act against ~~a one or more~~ specific ~~item~~ items of illegal content, <u>received from</u> <u>and</u> issued by the relevant national judicial or administrative	1. Providers of intermediary services shall, upon the receipt of an order to act against ~~a one or more~~ specific ~~item~~ items of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or
				1. Providers of intermediary services shall, upon the receipt of an order to act against one or more specific items of illegal content, issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law,

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

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G	194a	- <u>a reference to the legal basis for the order;</u>		- <u>(i) a reference to the legal basis for the order;</u>
	Article 8(2), point (a), point (i)			
Y	195 - a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed;	- a <u>sufficiently detailed</u> statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law <u>infringed in conformity with Union law;</u>	-(i) a statement of reasons explaining why the information is illegal content, by reference to ~~the one or more~~ specific provisions of Union or national law infringed;	(i) a statement of reasons explaining why the information is illegal content, by reference to one or more specific provisions of Union or national law <u>infringed in compliance with Union law;</u>
	Article 8(2), point (a), indent 1a			
G	195a	- <u>identification of the issuing authority including the date, timestamp and electronic signature of the authority, that allows the recipient to authenticate the order and contact details of a person of contact within the said authority;</u>		- <u>(iii) identification of the issuing authority.</u>
	Article 8(2), point (a), point (ii)			
G	196 - one or more exact uniform resource locators and, where	- <u>a clear indication of the exact electronic location of that</u>	-(ii) ~~one or more exact uniform resource locators and, where~~	(~~iv~~) <u>clear</u> information enabling the provider of intermediary

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	necessary, additional information enabling the identification of the illegal content concerned;	<u>information, such as the exact URL or URLs where appropriate or when the exact electronic location is not precisely identifiable</u> ; one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content concerned;	necessary, additional information enabling the identification of the illegal content concerned information enabling the provider of intermediary services to identify and locate the illegal content concerned, such as one or more exact uniform resource locators (URL) ;	services to identify and locate the illegal content concerned, such as one or more exact uniform resource locators (URL); <u>and, where necessary, additional information.</u>
	Article 8(2), point (a), point (iii)			
197	- information about redress available to the provider of the service and to the recipient of the service who provided the content;	- <u>easily understandable</u> information about redress <u>mechanisms</u> available to the provider of the service and to the recipient of the service who provided the content, <u>including the deadlines for appeal</u> ;	-(iii) information about redress available to the provider of the service and to the recipient of the service who provided the content;	(iii) information about redress <u>mechanisms</u> available to the provider of the service and to the recipient of the service who provided the content.
	Article 8(2), point (a), point (iv)			
197a		- <u>where necessary and proportionate, the decision not to disclose information about the removal of or disabling of access to the content for reasons of public security, such as the prevention, investigation,</u>	(iv) where applicable, information about which authority should receive the information about the effect given to the orders;	(iv) where applicable, information about which authority should receive the information about the effect given to the orders;

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		<u>detection and prosecution of serious crime, not exceeding six weeks from that decision;</u>		
	Article 8(2), point (b)			
198	(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;	(b) the territorial scope of the order; on the basis of the applicable rules of Union and national law <u>in conformity with Union law</u> , including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective; <u>the territorial scope of the order shall be limited to the territory of the Member State issuing the order unless the illegality of the content derives directly from Union law or the rights at stake require a wider territorial scope, in accordance with Union and international law;</u>	(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law, including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;	(b) the territorial scope of the order, on the basis of the applicable rules of Union and national law <u>in compliance with Union law</u> , including the Charter, and, where relevant, general principles of international law, does not exceed what is strictly necessary to achieve its objective;
	Article 8(2), point (c)			
199	(c) the order is drafted in the language declared by the provider and is sent to the point of contact,	(c) the order is drafted in the language declared by the provider and is sent to the point of contact,	(c) the order is ~~drafted in the language~~ transmitted in one of the languages declared by the	(c) the order is transmitted in one of the languages declared by the provider pursuant to Article 10(3)

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	appointed by the provider, in accordance with Article 10.	appointed by the provider, in accordance with Article 10: <u>or in one of the official languages of the Member State that issues the order against the specific item of illegal content; in such case, the point of contact of the service provider may request the competent authority to provide translation into the language declared by the provider;</u>	provider pursuant to Article 10(3) or in another official language of the Union, bilaterally agreed by the authority issuing the order and the provider, and is sent to the electronic point of contact, appointed by the designated by that provider, in accordance with Article 10. Where the order is not drafted in the language declared by the provider or in another language bilaterally agreed, the order may be transmitted in the language of the authority issuing the order, provided that it is accompanied by a translation of at least the elements set out in points (a) and (b) of this paragraph.	or in another official language of the Union, bilaterally agreed by the authority issuing the order and the provider, and is sent to the electronic point of contact, designated by that provider, in accordance with Article 10. Where the order is not drafted in the language declared by the provider or in another language bilaterally agreed, the order may be transmitted in the language of the authority issuing the order, provided that it is accompanied by a translation of at least the elements set out in points (a) and (b) of this paragraph.
	Article 8(2), point (ca)			
Y	199a	<u>(ca) the order is in compliance with Article 3 of Directive 2000/31/EC;</u>		[deleted]
	Article 8(2), point (cb)			
Y	199b	<u>(cb) where more than one</u>		[deleted]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>provider of intermediary services is responsible for hosting the specific items of illegal content, the order is issued to the most appropriate provider that has the technical and operational ability to act against those specific items.</u>		
	Article 8(2a)			
Y	199c	<u>2a. The Commission shall adopt implementing acts in accordance with Article 70, after consulting the Board, laying down a specific template and form for the orders, referred to in paragraph 1.</u>	2a. The authority issuing the order or, where applicable the authority specified in the order, shall transmit the order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.	Moved to row 199f
	Article 8(2b)			
Y	199d	<u>2b. Providers of intermediary services who received an order shall have a right to an effective remedy. The Digital Services Coordinator of the Member State of establishment may choose to</u>		[deleted]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>intervene on behalf of the provider in any redress, appeal or other legal processes in relation to the order.</u> <u>The Digital Services Coordinator of the Member State of establishment may request the authority issuing the order to withdraw or repeal the order or adjust the territorial scope of the order to what is strictly necessary. Where such a request is refused, the Digital Services Coordinator of the Member State of establishment shall be entitled to seek the annulling, ceasing or adjustment of the effect of the order before the judicial authorities of the Member States issuing the order. Such proceedings shall be completed without undue delay.</u>		
	Article 8(2c)			
Y	199e	<u>2c. If the provider cannot comply with the removal order because it contains manifest errors or does not contain sufficient information for its execution, it shall, without</u>		[deleted]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>undue delay, inform the judicial or administrative authority that issued the order asking for the necessary clarification.</u>		
	Article 8(2d)			
Y	199f	<u>2d. The authority issuing the order shall transmit that order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.</u>		<u>2d. The authority issuing the order or, where applicable the authority specified in the order, shall transmit that order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.</u> Row 199c of the General approach
	Article 8(3)			
G	200	3. The Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system	3. ~~The Digital Services Coordinator~~ After receiving the order from the Member State of the judicial or administrative authority issuing the order judicial or administrative authority, the Digital Services Coordinator from that Member State shall, without	3. After receiving the order from the judicial or administrative authority, the Digital Services Coordinator from that Member State shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	established in accordance with Article 67.	established in accordance with Article 67.	undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.	established in accordance with Article 67.
	Article 8(3a)			
Y	200a		3a. Providers of intermediary services shall inform the recipient of the service who provided the content, at the latest at the time when the order was applied, of the order received and the effect given to it, or, where applicable, at the time provided by the issuing authority in its order. Such information to the recipient of the service shall, at least, include the statement of reasons, redress possibilities, and the territorial scope of the order, as included in the order pursuant to paragraph 2.	3a. Providers of intermediary services shall inform the recipient of the service who provided the content, at the latest at the time when the order was applied, of the order received and the effect given to it, or, where applicable, at the time provided by the issuing authority in its order. Such information to the recipient of the service shall, at least, include the statement of reasons, redress possibilities, and the territorial scope of the order, as included in the order pursuant to paragraph 2.
	Article 8(4)			
Y	201	4. The conditions and	4. The conditions and	4. This Article shall be without

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.	requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law <u>and administrative procedural law</u> in conformity with Union law, <u>including the Charter. While acting in accordance with such laws, authorities shall not go beyond what is necessary in order to attain the objectives pursued.</u>	~~requirements laid down in~~ This Article shall be without prejudice to ~~requirements under national criminal procedural law in conformity with Union law~~ <u>national civil and criminal procedural laws</u> .	prejudice to national civil and criminal procedural laws.
	Article 8(4a)			
Y	201a	<u>4a. Member States shall ensure that the relevant authorities may, at the request of an applicant whose rights are infringed by illegal content, issue against the relevant provider of intermediary services an injunction order in accordance with this Article to remove or disable access to that content.</u>		[deleted]
	Article 9			
G	202	Article 9 Orders to provide information	Article 9 Orders to provide information	Article 9 Orders to provide information

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				Identical to the compromise presented on March, 1 st – WK 2735/2022
	Article 9(1)			
203	1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, inform without undue delay the authority of issuing the order of its receipt and the effect given to the order.	1. Providers of intermediary services shall, upon receipt <u>via a secure communications channel</u> of an order to provide a specific item of information about one or more specific individual recipients of the service, <u>received from and</u> issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, ~~inform~~ without undue delay the authority of issuing the order of its receipt and the effect given to the order.	1. Providers of intermediary services shall, upon receipt of an order to provide a specific item of information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform without undue delay the authority of issuing the order or any other authority specified in the order of its receipt, ~~of and~~ the effect given to the order, specifying if and when the order was applied and if the order was not given any effect, the reason thereof.	1. Providers of intermediary services shall, upon receipt of an order to provide specific information about one or more specific individual recipients of the service, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in compliance with Union law, inform without undue delay the authority of issuing the order or any other authority specified in the order of its receipt, of the effect given to the order, specifying if and when the order was applied and if the order was not given any effect, the reason thereof.
	Article 9(2), introductory part			
204	2. Member States shall ensure that orders referred to in paragraph 1	2. Member States shall ensure that orders referred to in paragraph 1	2. Member States shall ensure that orders referred to in	2. Member States shall ensure that orders referred to in

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	meet the following conditions:	meet the following conditions:	paragraph 1 meet the following conditions, when they are transmitted to the provider:	paragraph 1 meet the following conditions, when they are transmitted to the provider:
	Article 9(2), point (a), introductory part			
G	205	(a) the order contains the following elements:	(a) the order contains the following elements:	(a) the order contains the following elements:
	Article 9(2), point (a), indent -1			
Y	205a		<u>- the identification details of the judicial or administrative authority issuing the order and authentication of the order by that authority, including the date, time stamp and electronic signature of the authority issuing the order to provide information;</u>	<u>(b) identification of the issuing authority;</u>
	Article 9(2), point (a), indent -1a			
Y	205b		<u>- a reference to the legal basis for the order;</u>	<u>(c) a reference to the legal basis for the order;</u>
	Article 9(2), point (a), indent -1b			
Y	205c		<u>- a clear indication of the exact</u>	<u>- deleted</u>

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		<u>electronic location, an account name, or a unique identifier of the recipient on whom information is sought;</u>		
	Article 9(2), point (a), point (i)			
206	- a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;	- a <u>sufficiently detailed</u> statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;	-(i) a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;	(i) a statement of reasons explaining the objective for which the information is required and why the requirement to provide the information is necessary and proportionate to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for reasons related to the prevention, investigation, detection and prosecution of criminal offences;
	Article 9(2), point (a), indent 1a			
206a		- <u>where the information sought constitutes personal data within the meaning of Article 4, point (1), of Regulation (EU) 2016/679 or Article 3, point (1), of Directive (EU) 2016/680, a justification</u>		- <u>deleted</u>

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		<u>that the order is in accordance with applicable data protection law;</u>		
	Article 9(2), point (a), point (ii)			
207	- information about redress available to the provider and to the recipients of the service concerned;	- information about redress available to the provider and to the recipients of the service concerned <u>including deadlines for appeal;</u>	-(ii) information about redress available to the provider and to the recipients of the service concerned;	(ii) information about redress <u>mechanisms</u> available to the provider and to the recipients of the service concerned;
	Article 9(2), point (a), point (iii) / indent 2a			
207a		<u>- an indication on whether the provider should inform without undue delay the recipient of the service concerned, including information about the data being sought; where information is requested in the context of criminal proceedings, the request for that information shall be in compliance with Directive (EU) 2016/680, and the information to the recipient of the service concerned about that request may be delayed as long as necessary and proportionate to avoid obstructing the relevant criminal proceedings, taking into account</u>	(iii) where applicable, information about which authority should receive the information about the effect given to the orders;	(iii) where applicable, information about which authority should receive the information about the effect given to the orders;

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

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		<u>competent authority to provide translation into the language declared by the provider;</u>	~~appointed-designated~~ by that provider, in accordance with Article 10;. Where the order is not drafted in the language declared by the provider or in another language bilaterally agreed, the order may be transmitted in the language of the authority issuing the order, provided that it is accompanied by a translation of at least the elements set out in points (a) and (b) of this paragraph.	Where the order is not drafted in the language declared by the provider or in another language bilaterally agreed, the order may be transmitted in the language of the authority issuing the order, provided that it is accompanied by a translation of at least the elements set out in points (a) and (b) of this paragraph.
	Article 9(2a)			
Y	209a	<u>2a. The Commission shall adopt implementing acts in accordance with Article 70, after consulting the Board, laying down specific template and form for the orders referred to in paragraph 1.</u>	2a. The authority issuing the order or, where applicable the authority specified in the order, shall transmit the order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.	Moved to row 209d
	Article 9(2b)			
Y	209b			

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		<u>2b. The provider of intermediary services who received an order shall have a right to an effective remedy. That right shall include the right to challenge the order before the judicial authorities of the Member State of the issuing competent authority, in particular where such an order is not in compliance with Article 3 of Directive 2000/31/EC. The Digital Services Coordinator of the Member State of establishment may choose to intervene on behalf of the provider in any redress, appeal or other legal proceedings in relation to the order.</u> <u>The Digital Services Coordinator of the Member State of establishment may request the authority issuing the order to withdraw or repeal the order. Where such a request is refused, the Digital Services Coordinator of the Member State of establishment shall be entitled to seek the annulling, ceasing or adjustment of the effect of the order before the judicial of the</u>		[deleted]

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		<u>Member States of the order. Such proceedings shall be completed without undue delay.</u>		
	Article 9(2c)			
Y	209c	<u>2c. If the provider cannot comply with the order because it contains manifest errors or does not contain sufficient information to enable it to be executed, it shall, without undue delay, inform the judicial or administrative authority that issued that information order and request the necessary clarifications.</u>		[deleted]
	Article 9(2d)			
Y	209d	<u>2d. The authority issuing the order to provide a specific item of information shall transmit that order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.</u>		<u>2d. The authority issuing the order or, where applicable the authority specified in the order, shall transmit that order and the information received from the provider of intermediary services as to the effect given to the order to the Digital Services Coordinator from the Member State of the issuing authority.</u>

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				copied from row 209a of the General Approach
	Article 9(3)			
G	210	3. The Digital Services Coordinator from the Member State of the national judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.	3. The Digital Services Coordinator ~~from the Member State of the national judicial or administrative authority issuing the order~~ After receiving the order from the Member State of the national judicial or administrative authority, the Digital Services Coordinator from that Member State shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.	3. After receiving the order from the judicial or administrative authority, the Digital Services Coordinator from that Member State shall, without undue delay, transmit a copy of the order referred to in paragraph 1 to all Digital Services Coordinators through the system established in accordance with Article 67.
	Article 9(3a)			
Y	210a		3a. Providers of intermediary services shall inform the recipient of the service concerned, at the latest at the time when the order is applied, of the order received and the effect given to it, or, where	3a. Providers of intermediary services shall inform the recipient of the service concerned, at the latest at the time when the order is applied, of the order received and the effect given to it, or, where applicable, at the time provided

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			applicable, at the time provided by the issuing authority in its order. Such information to the recipient of the service shall, at least, include the statement of reasons and the redress possibilities, as included in the order pursuant to paragraph 2.	by the issuing authority in its order. Such information to the recipient of the service shall, at least, include the statement of reasons and the redress possibilities, as included in the order pursuant to paragraph 2.
	Article 9(4)			
Y	211 4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.	4. The conditions and requirements laid down in this article shall be without prejudice to requirements under national criminal procedural law <u>or administrative procedural law</u> in conformity with Union law.	4. ~~The conditions and requirements laid down in this Article shall be without prejudice to requirements under national criminal procedural law in conformity with Union law.~~ national civil and criminal procedural laws.	4. This Article shall be without prejudice to national civil and criminal procedural laws.
	Article 9a			
Y	211a	<u>Article 9a</u> <u>Effective remedies for recipients of the service</u>		Not in the revised mandate - Identical to the General approach of the Council
	Article 9a(1)			
Y	211b	<u>1. Recipients of the service whose</u>		Identical to the General approach of

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

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		<u>shall develop national tools and guidance to recipients of the service as regards complaint and redress mechanisms applicable in their respective territory</u>		
	Chapter III			
Y	212 Chapter III Due diligence obligations for a transparent and safe online environment	Chapter III Due diligence obligations for a transparent, <u>accessible</u> and safe online environment	Chapter III Due diligence obligations for a transparent and safe online environment	Chapter III Due diligence obligations for a transparent and safe online environment Y
	Section 1			
G	213 Section 1 Provisions applicable to all providers of intermediary services	Section 1 Provisions applicable to all providers of intermediary services	Section 1 Provisions applicable to all providers of intermediary services	Section 1 Provisions applicable to all providers of intermediary services G
	Article 10			
Y	214 Article 10 Points of contact	Article 10 Points of contact <u>for Member States' authorities, the Commission and the Board</u>	Article 10 ~~Points~~ Electronic point of contact	Article 10 Points of contact <u>for Member States' authorities, the Commission and the Board</u> Identical to the compromise presented by the Presidency on March, 11th – WK 3347/2022 Y

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				Electronic was removed from the title, it is already specified in row 214 "by electronic means".
Article 10(1)				
215	1. Providers of intermediary services shall establish a single point of contact allowing for direct communication, by electronic means, with Member States' authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.	1. Providers of intermediary services shall ~~establish~~ <u>designate</u> a single point of contact ~~allowing for direct communication~~ <u>enabling them to communicate directly</u> , by electronic means, with Member States' authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.	1. Providers of intermediary services shall ~~establish~~ <u>designate</u> a single electronic point of contact allowing for direct communication, by electronic means, with Member States' authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.	1. Providers of intermediary services shall designate a single point of contact <u>enabling them to communicate directly</u> , by electronic means, with Member States' authorities, the Commission and the Board referred to in Article 47 for the application of this Regulation.
Article 10(2)				
216	2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact.	2. Providers of intermediary services shall ~~make~~ <u>public</u> <u>communicate to the Member States' authorities, the Commission and the Board</u> , the information necessary to easily identify and communicate with their single points of contact, <u>including the name, the email address, the physical address and the telephone number, and shall</u>	2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single ~~points~~ electronic point of contact. This information shall be easily accessible.	2. Providers of intermediary services shall make public the information necessary to easily identify and communicate with their single points of contact. This information shall be easily accessible <u>and kept up to date.</u>

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		<u>ensure that the information is kept up to date.</u>		
Article 10(2a)				
216a		<u>2a. Providers of intermediary services may establish the same single point of contact for this Regulation and another single point of contact as required under other Union law. When doing so, the provider shall inform the Commission of this decision.</u>		See recital 36
Article 10(3)				
217	3. Providers of intermediary services shall specify in the information referred to in paragraph 2, the official language or languages of the Union, which can be used to communicate with their points of contact and which shall include at least one of the official languages of the Member State in which the provider of intermediary services has its main establishment or where its legal representative resides or is established.	3. Providers of intermediary services shall specify in the information referred to in paragraph 2, the official language or languages of the Union, which can be used to communicate with their points of contact and which shall include at least one of the official languages of the Member State in which the provider of intermediary services has its main establishment or where its legal representative resides or is established.	3. Providers of intermediary services shall specify in the information referred to in paragraph 2, the official language or languages of the Union which, in addition to a language broadly understood by the largest possible number of Union citizens, which can be used to communicate with their ~~points~~ electronic point of contact, and which shall include at least one of the official languages of the Member State in	3. Providers of intermediary services shall specify in the information referred to in paragraph 2, the official language or languages of the Union which, in addition to a language broadly understood by the largest possible number of Union citizens can be used to communicate with their points of contact, and which shall include at least one of the official languages of the Member State in which the provider of intermediary services has its main

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			which the provider of intermediary services has its main establishment or where its legal representative resides or is established.	establishment or where its legal representative resides or is established.
	Article 10a			
Y	217a	<u>Article 10a</u> <u>Points of contact for recipients of services</u>		<u>Article 10a</u> <u>Points of contact for recipients of services</u> Built on the compromise presented by the Presidency on March, 11th – WK 3347/2022 – modifications were made in row 217c and in recital 36a
	Article 10a(1)			
Y	217b	<u>1. Providers of intermediary services shall designate a single point of contact that enables recipients of services to communicate directly with them.</u>		<u>1. Providers of intermediary services shall designate a single point of contact enabling the recipient of the service to communicate directly and rapidly with them, by electronic means and in a user-friendly manner, including by allowing recipients of the service to choose the means of communication, which shall not solely rely on automated tools.</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 10a(2)			
Y 217c		<u>2. In particular, providers of intermediary services shall enable recipients of services to communicate with them by providing rapid, direct and efficient means of communication such as telephone number, email addresses, electronic contact forms, chatbots or instant messaging as well as the physical address of the establishment of the provider of intermediary services, in a user-friendly, and easily accessible manner. Providers of intermediary services shall also enable recipients of services to choose the means of direct communication, which shall not solely rely on automated tools.</u>		<u>2. In addition to the obligations provided under Directive 2000/31/EC, providers of intermediary services shall make public the information necessary for the recipients of the service to easily identify and communicate with their single points of contact. This information shall be easily accessible and kept up to date.</u> PCY 2nd compromise: the reference to telephone number in Recital 36a was deleted.
	Article 10a(3)			
Y 217d		<u>3. Providers of intermediary services shall make all reasonable efforts to guarantee that</u>		[deleted]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>sufficient human and financial resources are allocated to ensure that the communication, referred to in paragraph 1 is performed in a timely and efficient manner.</u>		
	Article 11			
218	Article 11 Legal representatives	Article 11 Legal representatives	Article 11 Legal representatives	Article 11 Legal representatives Identical to the compromise presented by the Presidency on March, 11th – WK 3347/2022
	Article 11(1)			
219	1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.	1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person <u>to act</u> as their legal representative in one of the Member States where the provider offers its services.	1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services.	1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, in writing, a legal or natural person <u>to act</u> as their legal representative in one of the Member States where the provider offers its services.
	Article 11(2)			
220	2. Providers of intermediary	2. Providers of intermediary	2. Providers of intermediary	2. Providers of intermediary

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and resource to cooperate with the Member States' authorities, the Commission and the Board and comply with those decisions.	services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and ~~resource to cooperate~~ <u>sufficient resources in order to guarantee their efficient and timely cooperation</u> with the Member States' authorities, the Commission and the Board and comply with <u>any of</u> those decisions.	services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' competent authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and ~~resources~~ sufficient resources to cooperate with the Member States' competent authorities, the Commission and the Board and comply with those decisions.	services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' <u>competent</u> authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and sufficient resources <u>in order to guarantee their efficient and timely cooperation</u> with the Member States' competent authorities, the Commission and the Board and comply with those decisions.
Article 11(3)				
221	3. The designated legal representative can be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider of intermediary services.	3. The designated legal representative can be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider of intermediary services.	3. The designated legal representative can be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider of intermediary	3. The designated legal representative can be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the provider of intermediary services.

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			services.	
	Article 11(4)			
Y	222	4. Providers of intermediary services shall notify the name, address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date.	4. Providers of intermediary services shall notify the name, <u>postal</u> address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is <u>kept</u> up to date. <u><i>The Digital Service Coordinator in the Member State where that legal representative resides or is established shall, upon receiving that information, make reasonable efforts to assess its validity.</i></u>	4. Providers of intermediary services shall notify the name, <u>postal</u> address, the electronic mail address and telephone number of their legal representative to the Digital Service Coordinator in the Member State where that legal representative resides or is established. They shall ensure that that information is publicly available, easily accessible, accurate and <u>kept up to</u> date.
	Article 11(5)			
G	223	5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not amount to an establishment in the Union.	5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not amount to an establishment in the Union.	5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not amount to an establishment in the Union.

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 11(5a)			
Y	223a	<u>5a. Providers of intermediary services that qualify as micro, small or medium-sized enterprises (SMEs) within the meaning of the Annex to Recommendation 2003/361/EC, and who have been unsuccessful in obtaining the services of a legal representative after reasonable effort, shall be able to request that the Digital Service Coordinator of the Member State where the enterprise intends to establish a legal representative facilitates further cooperation and recommends possible solutions, including possibilities for collective representation.</u>		Proposal to add in the corresponding Recital: <u>It should be possible that a legal representative is mandated, in accordance with national law, by more than one provider of intermediary services.</u>
	Article 12			
G	224	Article 12 Terms and conditions	Article 12 Terms and conditions	Article 12 Terms and conditions Identical to the compromise presented on March, 1 st – WK 2735/2022, except for rows 225 and 225a

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 12(1)			
225	1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format.	1. Providers of intermediary services shall ~~include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients~~ <u>use fair, non-discriminatory and transparent terms and conditions. Providers of intermediary services shall draft those terms and conditions in clear, plain, user friendly and unambiguous language and shall make them publicly available in an easily accessible and machine-readable format in the languages of the Member State towards which the service is directed.</u> In their terms and conditions. ~~That information, providers of intermediary services~~ shall ~~include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in~~	1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear, plain, intelligible and unambiguous language and shall be publicly available in an easily accessible and machine-readable format.	1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review <u>as well as rules of procedure of their internal complaint handling system.</u> It shall be set out in clear, plain, intelligible, <u>user friendly</u>, and unambiguous language and shall be publicly available in an easily accessible and machine-readable format. <u>Providers of intermediary services shall also include easily accessible information on the right of the recipients to terminate the use of their service.</u> 2nd compromise proposal - Built on

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		~~an easily accessible format~~ <u>respect the freedom of expression, freedom and pluralism of the media, and other fundamental rights and freedoms, as enshrined in the Charter as well as the rules applicable to the media in the Union.</u>		the General Approach and the proposed compromise presented on March, 1 st – merge row 225 and 225a
	Article 12(1a)			
Y 225a		<u>1a. In their terms and conditions, providers of intermediary services shall include information on any restrictions or modifications that they impose in relation to the use of their service in respect of content provided by the recipients of the service. Providers of intermediary services shall also include easily accessible information on the right of the recipients to terminate the use of their service. Providers of intermediary services shall also include information on any policies, procedures, measures and tools used by the provider of the intermediary service for the purpose of content moderation, including algorithmic decision-</u>	1a. Where an intermediary service is primarily aimed at minors or is pre-dominantly used by them, the provider of that intermediary service shall explain the conditions and restrictions for the use of the service in a way that minors can understand, including conditions and restrictions imposed to comply with its obligations under this Regulation, where applicable.	[deleted]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>making and human review.</u>		
	Article 12(1b)			
Y	225b	<u>1b. Providers of intermediary services shall notify expeditiously the recipients of the service of any significant change to the terms and conditions and provide an explanation thereof.</u>		[deleted]
	Article 12(1c)			
Y	225c	<u>1c. Where an intermediary service is primarily directed at minors or is pre-dominantly used by them, the provider shall explain conditions for and restrictions on the use of the service in a way that minors can understand.</u>		<u>1c. Where an intermediary service is primarily directed at minors or is pre-dominantly used by them, the provider of that intermediary service shall explain the conditions for and restrictions on the use of the service in a way that minors can understand.</u>
	Article 12(2)			
Y	226	2. Providers of intermediary services shall act in a diligent, objective and proportionate manner in applying and enforcing	2. Providers of intermediary services shall act in a <u>fair, transparent, coherent</u> , diligent, ~~objective~~ <u>timely, non-arbitrary</u> .	2. Providers of intermediary services shall act in a diligent, objective and proportionate manner in applying and enforcing

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.	<u>non-discriminatory</u> and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.	enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.	the restrictions referred to in paragraph 2, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service, including the <u>freedom of expression, freedom and pluralism of the media, and other fundamental rights and freedoms</u> , as enshrined in the Charter.
Article 12(2a)				
226a		<u>2a. Providers of intermediary services shall provide recipients of services with a concise, easily accessible and in machine-readable format summary of the terms and conditions, in clear, user-friendly and unambiguous language. That summary shall identify the main elements of the information requirements, including the possibility of easily opting-out from optional clauses and the remedies and redress mechanisms available.</u>		<u>2a. Providers of very large online platforms and very large online search engines shall provide recipients of services with a concise, easily accessible and in machine-readable format summary of the terms and conditions, including the available remedies and redress mechanisms, in clear and unambiguous language.</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 12(2b)			
Y	226b	<u>2b. Providers of intermediary services may use graphical elements such as icons or images to illustrate the main elements of the information requirements.</u>		Put in recital 38 Y
	Article 12(2c)			
Y	226c	<u>2c. Very large online platforms as defined in Article 25 shall publish their terms and conditions in the official languages of all Member States in which they offer their services.</u>		[deleted] Y
	Article 12(2d)			
Y	226d	<u>2d. Providers of intermediary services shall not require recipients of the service other than traders to make their legal identity public in order to use the service.</u>		[deleted] Y
	Article 12(2e)			
G	226e	<u>2e. Terms and conditions of</u>		G

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>providers of intermediary services shall respect the essential principles of fundamental rights enshrined in the Charter.</u>		[deleted]
	Article 12(2f)			
G	226f	<u>2f. Terms that do not comply with this Article shall not be binding on recipients.</u>		[deleted]
	Article 13			
G	227	Article 13 Transparency reporting obligations for providers of intermediary services	Article 13 Transparency reporting obligations for providers of intermediary services	Article 13 Transparency reporting obligations for providers of intermediary services Built on the PCY promise presented on March, 1 st – WK 2735/2022, modifications were made in rows 228, 231 and recital proposals in rows 230, 231
	Article 13(1), introductory part			
G	228	1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed	1. Providers of intermediary services shall publish <u>in a standardised and machine-readable format and in an easily</u>	1. Providers of intermediary services shall ~~publish~~ make publicly available in a machine-readable format and in an easily

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:	<u>accessible manner</u> , at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:	at least once a year, clear, and easily comprehensible ~~and detailed~~ reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:	<u>accessible manner</u> , at least once a year, clear, and easily comprehensible ~~and detailed~~ reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable:
	Article 13(1), point (a)			2nd compromise proposal
Y	229 (a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed for taking the action specified in those orders;	(a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed ~~for taking the action specified in those orders~~ <u>to inform the authority issuing the order of its receipt and the effect given to the order</u> ;	(a) for providers of intermediary services , the number of orders received from Member States' authorities, ~~categorised by the type of illegal content concerned~~ , including orders issued in accordance with Articles 8 and 9, categorised by the type of illegal content concerned , and the ~~average~~ median time needed for taking the action specified in those orders;	(a) for providers of intermediary services, the number of orders received from Member States' authorities, including orders issued in accordance with Articles 8 and 9, categorised by the type of illegal content concerned, and the median time needed ~~for taking the action specified in those orders~~ <u>to inform the authority issuing the order of its receipt and to give an effect given to the order</u> ;
	Article 13(1), point (aa)			
Y	229a	<u>(aa) where applicable, the</u>		[deleted]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u><i>complete number of content moderators allocated for each official language per Member State, and a qualitative description of whether and how automated tools for content moderation are used in each official language;</i></u>		
	Article 13(1), point (b)			
230	(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action;	(b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, <u><i>the number of notices submitted by trusted flaggers,</i></u> any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average <u><i>and median</i></u> time needed for taking the action; <u><i>providers of intermediary services may add additional information as to the reasons for the average time for taking the action;</i></u>	(b) for providers of hosting services, the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, the number of notices submitted by trusted flaggers, the number of notices processed exclusively by automated means and the average ~~median~~ time needed for taking the action;	(b) for providers of hosting services, the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, <u><i>the number of notices submitted by trusted flaggers,</i></u> any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, the number of notices ~~submitted by trusted flaggers, the number of notices processed exclusively by automated means and~~ <u><i>processed exclusively by automated means and the median time needed for taking the action;</i></u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
				+ Recital on: providers of intermediary services may add additional information as to the reasons for the median time for taking the action;
	Article 13(1), point (c)			
231	(c) the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures;	(c) <u>meaningful and comprehensible information about</u> the content moderation engaged in at the providers' own initiative, including the <u>use of automated tools, the number and type of measures taken that affect the availability, visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information, categorised by the type of reason and basis for taking those measures, as well as, where applicable, measures taken to provide training and assistance to members of staff who are engaged in content moderation, and to ensure that non-infringing content is not affected;</u>	(c) for providers of intermediary services, as applicable , the content moderation engaged in at the providers' own initiative, including the number and type of measures taken that affect removals or other restrictions of the availability, , visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information through the service, and other related restrictions of the service. The information reported shall be ; categorised by the type of reason and basis for taking those measures illegal content or violation of the terms and conditions of the service provider, by the detection method and by the type of	(c) for providers of intermediary services, as applicable, <u>meaningful and comprehensible information about</u> the content moderation engaged in at the providers' own initiative, including the ~~number of removals or other restrictions of use of~~ <u>automated tools, the measures taken to provide training and assistance to persons in charge of content moderation, the number and type of measures taken that affect</u> the availability, , visibility and accessibility of information provided by the recipients of the service and the recipients' ability to provide information through the service, and other related restrictions of the service. The information reported shall be categorised by the type of illegal content or

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			restriction applied;	violation of the terms and conditions of the service provider, by the detection method and by the type of restriction applied. 2 nd compromise proposal + Recital "to ensure that legal content is not affected"
	Article 13(1), point (d)			
232	(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average time needed for taking those decisions and the number of instances where those decisions were reversed.	(d) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average <u>and median</u> time needed for taking those decisions and the number of instances where those decisions were reversed.	(d) for providers of intermediary services, as applicable , the number of complaints received through the internal complaint-handling system referred to in systems in accordance with the provider's terms and conditions and, for providers of online platforms, also in accordance with Article 17 , the basis for those complaints, decisions taken in respect of those complaints, the ~~average~~ median time needed for taking those decisions and the number of instances where those decisions were reversed.	(d) for providers of intermediary services, as applicable, the number of complaints received through the internal complaint-handling systems in accordance with the provider's terms and conditions and, for providers of online platforms, also in accordance with Article 17, the basis for those complaints, decisions taken in respect of those complaints, the median time needed for taking those decisions and the number of instances where those decisions were reversed.

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 13(1a)			
Y	232a	<u>1a. The information provided shall be presented per Member State in which services are offered and in the Union as a whole.</u>		[deleted]
	Article 13(2)			
G	233	2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, <u>which do not also qualify as very large online platforms.</u>	2. Paragraph 1 of this Article shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC and which are not very large online platforms in accordance with Article 25 of this Regulation.	2. Paragraph 1 of this Article shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC and which are not very large online platforms in accordance with Article 25 of this Regulation.
	Article 13(3)			
Y	233a		3. The Commission may adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1 of this Article, including harmonised reporting periods.	3. The Commission may adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1 of this Article, including harmonised reporting periods. Those

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.	implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.
	Article 13a			
R 233b		<u>Article 13a</u> <u>Online interface design and organisation</u>		Not in the revised mandate – compromise still under scrutiny – <u>Article 23a</u> <u>Online interface design and organisation</u> New Article 23a to be moved to Section 4 of Chapter III Identical to the compromise presented by the Presidency on March, 18th WK Commission's service will propose a new compromise.
	Article 13a(1)			
R 233c		<u>1. Providers of intermediary services shall not use the structure, function or manner of operation of their online interface, or any part thereof, to distort or impair recipients of services' ability to make a free, autonomous and informed</u>		<u>1. Providers of online platforms shall not design, organise or operate their online interfaces which are necessary to comply with the obligations under this Regulation in a way that either purposefully or in effect deceives or manipulates recipients of the</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>decision or choice. In particular, providers of intermediary services shall refrain from:</u> <u>(a) giving more visual prominence to any of the consent options when asking the recipient of the service for a decision;</u> <u>(b) repeatedly requesting that a recipient of the service consents to data processing, where such consent has been refused, pursuant to Article 7(3) of Regulation (EU) 2016/679, regardless of the scope or purpose of such processing, especially by presenting a pop-up that interferes with user experience;</u> <u>(c) urging a recipient of the service to change a setting or configuration of the service after the recipient has already made a choice;</u> <u>(d) making the procedure of terminating a service significantly more cumbersome than signing up to it; or</u> <u>(e) requesting consent where the recipient of the service exercises his or her right to object by automated means using</u>	PUBLIC	<u>service, by subverting or impairing their autonomy, decision-making or choices.</u> [A recital will be proposed]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>technical specifications, in line with Article 21(5) of Regulation (EU) 2016/679.</u> <u>This paragraph shall be without prejudice to Regulation(EU) 2016/679.</u>		
	Article 13a(2)			
R	233d	<u>2. The Commission is empowered to adopt a delegated act to update the list of practices referred to in paragraph 1</u>		<u>2. The Commission, after consulting the Board, may issue guidance on the application of paragraph 1 to specific practices.</u>
	Article 13a(3)			
R	233e	<u>3. Where applicable, providers of intermediary services shall adapt their design features to ensure a high level of privacy, safety, and security by design for minors.</u>		Not in the revised mandate – compromise still under scrutiny - Identical to the compromise presented by the Presidency on March, 18th WK Article 23a <u>Online protection of minors</u> <u>1. Where a provider of online platform is primarily aimed at minors or is pre-dominantly used by them, it shall put in place targeted measures such as</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
				<u>design features in order to ensure a high level of privacy, safety, and security by design for minors.</u> <u>2. The first paragraph shall not oblige the provider of online platform to process additional information in order to assess the age of the recipient of the service.</u> <u>3. The Commission, after consulting the Board, may issue guidance to assist providers or online platforms in the application of paragraph 1.</u> [A recital will be proposed to include examples of the measures mentioned in paragraph 1 of this Article such as, as applicable, age verification tools; parental control tools ; tools aimed at helping minors to signal abuse or to obtain support; easy-to-find references to provider-independent advice, help and reporting options or age-appropriate default settings and pre-setting options.]
Section 2				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
234	Section 2 Additional provisions applicable to providers of hosting services, including online platforms	Section 2 Additional provisions applicable to providers of hosting services, including online platforms	Section 2 Additional provisions applicable to providers of hosting services, including providers of online platforms	Section 2 Additional provisions applicable to providers of hosting services, including providers of online platforms
Article 14				
235	Article 14 Notice and action mechanisms	Article 14 Notice and action mechanisms	Article 14 Notice and action mechanisms	Article 14 Notice and action mechanisms Built from Commission's services compromise proposal presented on March, 1st (WK 2734/2022) – modification were made in rows 242 and 244 and in recitals 22, 40b, 41a
Article 14(1)				
236	1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic	1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic	1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic	1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	means.	means.	means.	means.
	Article 14(2), introductory part			
237	2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent economic operator can identify the illegality of the content in question. To that end, the providers shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:	2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, ~~on the basis of which a diligent economic operator can identify the illegality of the content in question.~~ To that end, the providers shall take the necessary measures to enable and facilitate the submission of <u>valid</u> notices containing all of the following elements:	2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, ~~on the basis of which a diligent economic operator can identify the illegality of the content in question.~~ To that end, the providers of hosting services shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:	2. The mechanisms referred to in paragraph 1 shall be such as to facilitate the submission of sufficiently precise and adequately substantiated notices, ~~on the basis of which a diligent economic operator can identify the illegality of the content in question.~~ To that end, the providers <u>of hosting services</u> shall take the necessary measures to enable and facilitate the submission of notices containing all of the following elements:
	Article 14(2), point (a)			
238	(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;	(a) an explanation of the reasons why the individual or entity considers the information in question to be illegal content;	(a) ~~an~~ sufficiently substantiated explanation of the reasons why the individual or entity ~~considers~~ alleges the information in question to be illegal content;	(a) ~~an~~ sufficiently substantiated explanation of the reasons why the individual or entity ~~considers~~ alleges the information in question to be illegal content;
	Article 14(2), point (aa)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
G	238a	<u>(aa) where possible, evidence that substantiates the claim;</u>		[deleted]
	Article 14(2), point (b)			
Y	239	(b) <u>where relevant</u> , a clear indication of the <u>exact</u> electronic location of that information, ~~in particular~~ <u>for example</u> , the exact URL or URLs, ~~and/or~~ , where necessary, additional information enabling the identification of the illegal content <u>as applicable to the type of content and to the specific type of hosting service</u> ;	(b) a clear indication of the electronic location of that information, ~~in particular~~ such as the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;	(b) a clear indication of the <u>exact</u> electronic location of that information, ~~in particular~~ <u>such as</u> the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content <u>adapted to the type of content and to the specific type of hosting service</u> ;
	Article 14(2), point (c)			
G	240	(c) the name and an electronic mail address of the individual or entity submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;	(c) the name and an electronic mail address of the individual or entity submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;	(c) the name and an electronic mail address of the individual or entity submitting the notice, except in the case of information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU;
	Article 14(2), point (d)			
G	241			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.	(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.	(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.	(d) a statement confirming the good faith belief of the individual or entity submitting the notice that the information and allegations contained therein are accurate and complete.
	Article 14(3)			
242	3. Notices that include the elements referred to in paragraph 2 shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.	3. Notices that include the elements referred to in paragraph 2, <u>on the basis of which a diligent hosting service provider is able to establish the illegality of the content in question without conducting a legal or factual examination</u> , shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.	3. Notices ~~that include the elements referred to in paragraph 2 of this Article~~ on the basis of which a diligent provider of hosting services can identify the illegality of the content in question shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned.	3. Notices ~~that include the elements referred to in paragraph 2 of this Article~~ on the basis of which a diligent provider of hosting services can identify the illegality of the content in question shall be considered to give rise to actual knowledge or awareness for the purposes of Article 5 in respect of the specific item of information concerned. 2 nd compromise from the PCY to stick to General Approach.
	Article 14(3a)			
242a		<u>3a. Information that has been the subject of a notice shall remain accessible while the assessment of its legality is still pending, without prejudice to the</u>		[deleted]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>right of providers of hosting services to apply their terms and conditions. Providers of hosting services shall not be held liable for failure to remove notified information, while the assessment of legality is still pending.</u>		
	Article 14(4)			
G	243 4. Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall promptly send a confirmation of receipt of the notice to that individual or entity.	4. Where the notice contains the name and an electronic mail address of the individual or entity that submitted it, the provider of hosting services shall, <u>without undue delay</u> , promptly send a confirmation of receipt of the notice to that individual or entity.	4. Where the notice contains ~~the name and an electronic mail address~~ contact information of the individual or entity that submitted it, the provider of hosting services shall, without undue delay , promptly send a confirmation of receipt of the notice to that individual or entity.	4. Where the notice contains ~~the name and an electronic mail address~~ contact information of the individual or entity that submitted it, the provider of hosting services shall, without undue delay , promptly send a confirmation of receipt of the notice to that individual or entity.
	Article 14(5)			
Y	244 5. The provider shall also, without undue delay, notify that individual or entity of its decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision.	5. The provider shall also, without undue delay, notify that individual or entity of its ~~decision~~ <u>action</u> in respect of the information to which the notice relates, providing information on the redress possibilities ~~in respect of that decision~~ .	5. The provider shall also, without undue delay, notify that individual or entity of its decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision.	5. The provider shall also, without undue delay, notify that individual or entity of its decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision.

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
				2 nd compromise from the PCY to stick to General Approach.
	Article 14(5a)			
244a		<u>5a. The anonymity of individuals who submitted a notice shall be ensured towards the recipient of the service who provided the content, except in cases of alleged violations of personality rights or of intellectual property rights.</u>		<u>5a. Providers of hosting services shall not disclose the identity of the individual or entity who submitted the notice to the recipient of the service who provided the information, unless such disclosure is strictly necessary for explaining the provider's decision in respect of the notified specific item of information.</u>
	Article 14(6)			
245	6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification	6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1; and take their decisions in respect of the information to which the notices relate, in a timely, diligent, <u>non-discriminatory and non-arbitrary</u> and ~~objective~~ manner. Where they use automated means for that processing or decision-making, they shall include	6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on	6. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1; and take their decisions in respect of the information to which the notices relate, in a timely, diligent, <u>non-arbitrary</u> and objective manner. Where they use automated means for that processing or decision-making, they shall include information on

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	referred to in paragraph 4.	information on such use in the notification referred to in paragraph 4. <u>Where the provider has no technical, operational or contractual ability to act against specific items of illegal content, it may hand over a notice to the provider that has direct control of specific items of illegal content, while informing the notifying person or entity and the relevant Digital Services Coordinator.</u>	such use in the notification referred to in paragraph 45.	such use in the notification referred to in paragraph 45.
	Article 15			
246	Article 15 Statement of reasons	Article 15 Statement of reasons	Article 15 Statement of reasons	Article 15 Statement of reasons Built from Presidency compromise proposal presented on March, 1st (WK 2735/2022) – modifications were made in row 247a and a recital proposal was added in row 247e
	Article 15(1)			
247	1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service,	1. Where a provider of hosting services decides to remove ~~or~~ disable access to, <u>demote or to impose other measures with regard to</u> specific items of	1. ~~Where a provider~~ Providers of hosting services ~~decides to remove or disable access to~~ shall provide a clear and specific items of information provided by	1. ~~Where a provider~~ Providers of hosting services ~~decides to remove or disable access to~~ shall provide a clear and specific items of information provided by

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision.	information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision. <u><i>This obligation shall not apply where the content is deceptive high-volume commercial content, or it has been requested by a judicial or law enforcement authority not to inform the recipient due to an ongoing criminal investigations until the criminal investigations is closed.</i></u>	~~the statement of reasons to any affected~~ recipients of the service, ~~irrespective of the means used for detecting, identifying or removing or disabling access to that information and for any of the reason for its decision,~~ it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision following restrictions imposed:	~~the statement of reasons to any affected~~ recipients of the service, ~~irrespective of the means used for detecting, identifying or removing or disabling access to that information and for any of the reason for its decision,~~ it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision following restrictions imposed:
	Article 15(1), point (a)			
247a			(a) any restrictions of the visibility of specific items of information provided by the recipient of the service, including removal of content, or disabling access to content;	(a) any restrictions of the visibility of specific items of information provided by the recipient of the service, including removal of content, disabling access to content, <u><i>or demoting</i></u>

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				<u>content</u> ; 2nd compromise proposal :“or demoting content” was added as an example of “any restriction of the visibility of specific items of information”
	Article 15(1), point (b)			
G	247b		(b) suspension, termination or other restriction of monetary payments (monetisation);	(b) suspension, termination or other restriction of monetary payments (monetisation);
	Article 15(1), point (c)			
G	247c		(c) suspension or termination of the provision of the service in whole or in part;	(c) suspension or termination of the provision of the service in whole or in part;
	Article 15(1), point (d)			
G	247d		(d) suspension or termination of the recipient's accounts.	(d) suspension or termination of the recipient's accounts.
	Article 15(1), unnumbered paragraph			
Y	247e		This paragraph shall only apply where the relevant	This paragraph shall only apply where the relevant electronic

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			electronic contact details are known to the provider. It shall apply at the latest when the restriction is imposed, and regardless of why or how it was imposed.	contact details are known to the provider. It shall apply at the latest when the restriction is imposed, and regardless of why or how it was imposed. <u><i>This obligation shall not apply where the information is deceptive high-volume commercial content</i></u> <u><i>+ addition in recital 42 The obligation should however not apply with respect to deceptive high-volume commercial content disseminated through intentional manipulation of the service, in particular inauthentic use of the service such as the use of bots or fake accounts or other deceptive uses of the service</i></u>
	Article 15(2), introductory part			
G	248 2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:	2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:	2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:	2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:
	Article 15(2), point (a)			
Y	249			Y

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	(a) whether the decision entails either the removal of, or the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access;	(a) whether the ~~decision~~ <u>action</u> entails either the removal ~~of, or~~ the disabling of access, <u>the demotion of, or imposes other measures with regard to</u> ~~to, the~~ information and, where relevant, the territorial scope of the ~~disabling of access~~ <u>action and its duration, including, where an action was taken pursuant to Article 14, an explanation about why the action did not exceed what was strictly necessary to achieve its purpose;</u>	(a) whether the decision entails either the removal of, ~~or~~ the disabling of access to, the information and, where relevant, the territorial scope of the ~~disabling of access~~ <u>restriction of the visibility of the information or the suspension or termination of monetary payments related to that information;</u>	(a) whether the decision entails either the removal of, ~~or~~ the disabling of access to, the information and, where relevant, the territorial scope of the ~~disabling of access~~ <u>restriction of the visibility of the information or the suspension or termination of monetary payments related to that information;</u>
	Article 15(2), point (b)			
250	(b) the facts and circumstances relied on in taking the decision, including where relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14;	(b) the facts and circumstances relied on in taking the ~~decision~~ <u>action</u> , including where relevant whether the ~~decision~~ <u>action</u> was taken pursuant to a notice submitted in accordance with Article 14 <u>or based on voluntary own-initiative investigations or to an order issued in accordance with Article 8 and where appropriate, the identity of the notifier;</u>	(b) the facts and circumstances relied on in taking the decision, including where relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14;	(b) the facts and circumstances relied on in taking the decision, including where relevant whether the decision was taken pursuant to a notice submitted in accordance with Article 14 <u>or based on voluntary own-initiative investigations;</u>
	Article 15(2), point (c)			

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251	(c) where applicable, information on the use made of automated means in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;	(c) where applicable, information on the use made of automated means in taking the ~~decision~~ <u>action</u> , including where the ~~decision~~ <u>action</u> was taken in respect of content detected or identified using automated means;	(c) where applicable, information on the use made of automated means in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;	(c) where applicable, information on the use made of automated means in taking the decision, including where the decision was taken in respect of content detected or identified using automated means;
Article 15(2), point (d)				
252	(d) where the decision concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;	(d) where the ~~decision~~ <u>action</u> concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;	(d) where the decision concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;	(d) where the decision concerns allegedly illegal content, a reference to the legal ground relied on and explanations as to why the information is considered to be illegal content on that ground;
Article 15(2), point (e)				
253	(e) where the decision is based on the alleged incompatibility of the information with the terms and conditions of the provider, a reference to the contractual ground relied on and explanations as to why the information is considered to be incompatible with that ground;	(e) where the ~~decision~~ <u>action</u> is based on the alleged incompatibility of the information with the terms and conditions of the provider, a reference to the contractual ground relied on and explanations as to why the information is considered to be incompatible with that ground;	(e) where the decision is based on the alleged incompatibility of the information with the terms and conditions of the provider of hosting services , a reference to the contractual ground relied on and explanations as to why the information is considered to be incompatible with that ground;	(e) where the decision is based on the alleged incompatibility of the information with the terms and conditions of the provider <u>of hosting services</u> , a reference to the contractual ground relied on and explanations as to why the information is considered to be incompatible with that ground;

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	Article 15(2), point (f)			
254	(f) information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.	(f) <u>clear, user-friendly</u> information on the redress possibilities available to the recipient of the service in respect of the ~~decision~~ <u>action</u> , in particular, <u>where applicable</u> through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.	(f) information on the redress possibilities available to the recipient of the service in respect of the decision, in particular through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.	(f) <u>clear and user-friendly</u> information on the redress possibilities available to the recipient of the service in respect of the decision, in particular, <u>where applicable</u> through internal complaint-handling mechanisms, out-of-court dispute settlement and judicial redress.
	Article 15(3)			
255	3. The information provided by the providers of hosting services in accordance with this Article shall be clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances. The information shall, in particular, be such as to reasonably allow the recipient of the service concerned to effectively exercise the redress possibilities referred to in point (f) of paragraph 2.	3. The information provided by the providers of hosting services in accordance with this Article shall be clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances. The information shall, in particular, be such as to reasonably allow the recipient of the service concerned to effectively exercise the redress possibilities referred to in point (f) of paragraph 2.	3. The information provided by the providers of hosting services in accordance with this Article shall be clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances. The information shall, in particular, be such as to reasonably allow the recipient of the service concerned to effectively exercise the redress possibilities referred to in point (f) of paragraph 2.	3. The information provided by the providers of hosting services in accordance with this Article shall be clear and easily comprehensible and as precise and specific as reasonably possible under the given circumstances. The information shall, in particular, be such as to reasonably allow the recipient of the service concerned to effectively exercise the redress possibilities referred to in point (f) of paragraph 2.

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	Article 15(4)			
Y	256 4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.	4. Providers of hosting services shall publish <u>at least once a year the actions</u> ~~the decisions~~ and the statements of reasons, referred to in paragraph 1 in a publicly accessible <u>machine-readable</u> database managed <u>and published</u> by the Commission. That information shall not contain personal data.	4. ~~Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a publicly accessible database managed by the Commission. That information shall not contain personal data.~~	Moved to article 23
	Article 15(5)			
Y	256a		5. This article shall not apply to any orders issued pursuant to Article 8.	5. This article shall not apply to any orders issued pursuant to Article 8.
	Article 15a			
G	256b Article 21 Notification of suspicions of criminal offences <u>Moved reference text</u>	Article ~~21~~ <u>15a</u> Notification of suspicions of criminal offences moved from Article 21	Article ~~21~~ <u>15a</u> Notification of suspicions of criminal offences moved from Article 21	Article ~~21~~ <u>15a</u> Notification of suspicions of criminal offences Built from Commission's services compromise proposal presented on March, 1st (WK 2734/2022) – modifications were made in row 256c

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	Article 15(1)			
Y 256c	1. Where an online platform becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available. Moved reference text	1. Where ~~an online platform~~ <u>provider of hosting services</u> becomes aware of any information giving rise to a suspicion that a serious criminal offence involving ~~a~~ <u>an imminent</u> threat to the life or safety of persons has taken place, is taking place or ~~is likely~~ <u>planned</u> to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide, <u>upon their request, all the</u> ~~all~~ relevant information available.	1. Where ~~an online platform~~ provider of hosting services becomes aware of any information giving rise to a suspicion that a ~~serious~~ criminal offence involving a threat to the life or safety of a person or persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.	1. Where ~~an online platform~~ provider of hosting services becomes aware of any information giving rise to a suspicion that a ~~serious~~ criminal offence involving a threat to the life or safety of a person or persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available. PCY 2nd compromise reverted to the General Approach of the Council, in particular “serious” and “upon their request” are deleted.
	Article 15a(2), introductory part			
Y 256d	2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is	2. Where the ~~online platform~~ <u>provider of hosting services</u> cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the	2. Where the ~~online platform~~ provider of hosting services cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities	2. Where the provider of hosting services cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is

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

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		<u>remove or disable the content.</u>		
	Article 15a(2), third paragraph			
Y	256g	<u>4. Information obtained by a law enforcement or judicial authority of a Member State in accordance with paragraph 1 shall not be used for any purpose other than those directly related to the individual serious criminal offence notified.</u>		[deleted]
	Article 15a(2), fourth paragraph			
Y	256h	<u>5. The Commission shall adopt an implementing act setting down a template for notifications under paragraph 1.</u>		[deleted]
	Section 3			
G	257	Section 3 Additional provisions applicable to online platforms	Section 3 Additional provisions applicable to providers of online platforms	Section 3 Additional provisions applicable to providers of online platforms
	Article 16			
R	258			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 16 Exclusion for micro and small enterprises	Article 16 Exclusion for micro and small enterprises	Article 16 Exclusion for micro and small enterprises	Article 16 Exclusion for micro and small enterprises Identical to General Approach
	Article 16, first paragraph			
Y	259 This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.	<u>1. This Section shall not apply to online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC and which do not qualify as a very large online platforms as defined by Article 25 of this Regulation.</u>	This Section and Section 3a shall not apply to providers of online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, except when they are very large online platforms in accordance with Article 25.	This Section and Section 3a shall not apply to providers of online platforms that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, except when they are very large online platforms in accordance with Article 25.
	Article 16, second paragraph			
R	259a	<u>2. Providers of intermediary services may submit an application accompanied by a justification for a waiver from the requirements of this section provided that they:</u> <u>(a) do not present significant systemic risks and have limited exposure to illegal content; and</u>		[deleted]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>(b) qualify as non-for-profit or qualify as a medium enterprise within the meaning of the Annex to Recommendation 2003/361/EC.</u>		
	Article 16, third paragraph			
R 259b		<u>3. The application shall be submitted to the Digital Services Coordinator of establishment who shall conduct a preliminary assessment. The Digital Services Coordinator of establishment shall transmit to the Commission the application accompanied by its assessment and where applicable, a recommendation on the Commission's decision. The Commission shall examine such an application and, after consulting the Board, may issue a total or a partial waiver from the requirements of this Section.</u>		[deleted]
	Article 16, fourth paragraph			
R 259c		<u>4. Where the Commission grants such a waiver, it shall monitor the use of the waiver by the provider</u>		[deleted]

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		<u>of intermediary services to ensure that the conditions for use of the waiver are respected.</u>		
	Article 16, fifth paragraph			
R	259d	<u>5. Upon the request of the Board, the Digital Services Coordinator of establishment or the provider, or on its own initiative, the Commission may review or revoke the waiver in whole or in parts.</u>		[deleted]
	Article 16, sixth paragraph			
R	259e	<u>6. The Commission shall maintain a list of all waivers issued and their conditions and shall make the list publicly available.</u>		[deleted]
	Article 16, seventh paragraph			
R	259f	<u>7. The Commission shall be empowered to adopt a delegated act in accordance with Article 69 as to the process and procedure for the implementation of the</u>		[deleted]

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		<u>waiver system in relation with this Article.</u>		
	Article 17			
G	260	Article 17 Internal complaint-handling system	Article 17 Internal complaint-handling system	Article 17 Internal complaint-handling system Built from Commission's services compromise proposal presented on March, 1st (WK 2734/2022) – minor modifications were made in row 264a Rows 261, 262, 263, 264, 264a are now identical to the General Approach of the Council.
	Article 17(1), introductory part			
Y	261	1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the	1. Online platforms shall provide recipients of the service, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the following decisions taken by the online platform on the	1. Providers of online platforms shall provide recipients of the service, including individuals or entities that have submitted a notice , for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of

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

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Y	264	(c) decisions to suspend or terminate the recipients' account.	(c) decisions whether or not to suspend or terminate the recipients' account-;	(c) decisions whether or not to suspend or terminate the recipients' account-;	Y
	Article 17(1), point (d)				
Y	264a		(d) decision whether or not to suspend, terminate or otherwise restrict monetary payments related to content provided by the recipients.	(d) decisions whether or not to suspend, terminate or otherwise restrict monetary payments related to content provided by the recipients.	Y
	Article 17(1a)				
G	264b			<u>1a. The period of at least six months as set out in paragraph 1 shall start on the day on which the provider of the online platform informs the recipient of the service about the decision in accordance with Article 14(5) or Article 15.</u>	G
	Article 17(2)				
Y	265	2. Online platforms shall ensure that their internal complaint-	2. Providers of online platforms shall ensure that their internal	2. Providers of online platforms shall ensure that their internal	Y

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	handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.	handling systems are easy to access, user-friendly, <u>including for persons with disabilities and minors, non-discriminatory</u> and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints. <u>Online platforms shall set out the rules of procedure of their internal complaint handling system in their terms and conditions in a clear, user-friendly and easily accessible manner.</u>	complaint-handling systems are easy to access, user-friendly and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints.	complaint-handling systems are easy to access, user-friendly, <u>including for [persons with disabilities] and minors, non-discriminatory</u> and enable and facilitate the submission of sufficiently precise and adequately substantiated complaints. The part in brackets is parked until further discussion on Article 19a
Article 17(3)				
266	3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and objective manner. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or	3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, <u>non-discriminatory</u> , diligent and ~~objective~~ <u>non-arbitrary</u> manner <u>and within ten working days starting on the date on which the online platform received the complaint</u> . Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and	3. Providers of online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and objective manner. Where a complaint contains sufficient grounds for the provider of the online platform to consider that its decision not to act upon the request of a notice is unfounded or that the information to which the complaint relates is not illegal	3. Providers of online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, <u>non-discriminatory</u> , diligent and <u>non-arbitrary</u> manner. Where a complaint contains sufficient grounds for the provider of the online platform to consider that its decision not to act upon the notice is unfounded or that the information to which the complaint relates is not illegal and is not incompatible with its terms

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	termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.	is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay.	and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account or the restriction to monetary payments related to content , it shall reverse its decision referred to in paragraph 1 without undue delay.	and conditions, or contains information indicating that the complainant's conduct does not warrant the measure taken, it shall reverse its decision referred to in paragraph 1 without undue delay.
	Article 17(4)			
Y 267	4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.	4. Online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates and shall inform complainants of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.	4. Providers of online platforms shall inform complainants without undue delay of the decision they have taken in respect of the information to which the complaint relates, clearly justify their decision and inform ~~and shall inform complainants~~ of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.	4. Providers of online platforms shall inform complainants without undue delay of their <u>reasoned</u> decision taken in respect of the information to which the complaint relates <u>and</u> of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities.
	Article 17(5)			
Y 268				Y

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	5. Online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.	5. Online platforms shall ensure that <u>recipients of the service are given the possibility, where necessary, to contact a human interlocutor at the time of the submission of the complaint and that</u> the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means. <u>Online platform shall ensure that decisions are taken by qualified staff.</u>	5. Providers of online platforms shall ensure that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means.	5. Providers of online platforms shall ensure that the decisions, referred to in paragraph 4, are taken <u>under the control of appropriately qualified staff</u> , not solely on the basis of automated means.
	Article 17(5a)			
Y	268a	<u>5a. Recipients of the service shall have the possibility to seek swift judicial redress in accordance with the laws of the Member States concerned.</u>		[deleted]
	Article 18			
G	269	Article 18 Out-of-court dispute settlement	Article 18 Out-of-court dispute settlement	Article 18 Out-of-court dispute settlement Built from Commission's services compromise proposal presented on March, 1st (WK 2734/2022) – minor modifications were made in row 271

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

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	recipient concerned to redress against the decision before a court in accordance with the applicable law.	recipient concerned to redress against the decision before a court in accordance with the applicable law.	recipient concerned to redress against the decision of the service concerned, including the individual or entity, to initiate proceedings before a court in accordance with the applicable law including proceedings in relation to the decision of the provider of online platform referred to in Article 17(1).	<u>about the recipients' possibility referred to in the first subparagraph is easily accessible on its online interface, in a clear and user-friendly manner.</u> The first subparagraph is without prejudice to the right of the recipient of the service concerned to initiate, <u>at any stage</u>, proceedings to contest those decisions by the providers of online platforms before a court in accordance with the applicable law. PCY compromise "information about" was added in the first paragraph to ensure compatibility of the provision with the independence of the out-of-court body
	Article 18(1), second paragraph			
Y	271a		Providers of online platform may refuse to engage in a dispute settlement when the same dispute regarding the same content has already been resolved or is being reviewed by another dispute settlement body.	[deleted as included in row 271b]

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	Article 18(1a), introductory part			
271b		<u>1a. Both parties shall engage, in good faith, with the independent, external certified body selected with a view to resolving the dispute and shall be bound by the decision taken by the body. The possibility to select any out-of-court dispute settlement body shall be easily accessible on the online interface of the online platform in a clear and user-friendly manner.</u>		<u>1a. Both parties shall engage, in good faith, with the selected certified out-of-court dispute settlement body with a view to resolving the dispute. However, providers of online platforms may refuse to engage, when the dispute concerning the same information and the same grounds of alleged illegality or incompatibility of the content has already been resolved or is pending before the competent court or another competent out-of-court dispute settlement body.</u> <u>The certified out-of-court dispute settlement body shall not have the power to impose the binding solution on the parties.</u>
	Article 18(2), introductory part			
272	2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established	2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established	2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established	2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established

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	shall, at the request of that body, certify the body, where the body has demonstrated that it meets all of the following conditions:	shall, at the request of that body, certify the body <u>for a maximum of three years, which can be renewed</u> , where the <u>body and persons in charge of the out-of-court dispute settlement</u> body has demonstrated that it meets all of the following conditions:	shall, at the request of that ~~body~~ certify the body , ~~certify the body~~ at its request, where the body has demonstrated that it meets all of the following conditions:	shall, <u>for a maximum of five years, which can be renewed</u> , certify the body, at its request, where the body has demonstrated that it meets all of the following conditions:
	Article 18(2), point (a)			
273	(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms;	(a) it is ~~impartial~~ <u>and independent, including financially</u> independent, <u>and impartial towards</u> ~~of~~ online platforms <u>and towards individuals or entities that have submitted notices</u> ;	(a) it is impartial and independent of providers of online platforms and of recipients of the service provided by the online platforms, including of individuals or entities that have submitted notices ;	(a) it is impartial and independent, <u>including financially</u> , of providers of online platforms and of recipients of the service provided by providers of online platforms;
	Article 18(2), point (b)			
274	(b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms,	(b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms,	(b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms,	(b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms,

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	allowing the body to contribute effectively to the settlement of a dispute;	allowing the body to contribute effectively to the settlement of a dispute;	allowing the body to contribute effectively to the settlement of a dispute;	allowing the body to contribute effectively to the settlement of a dispute;
	Article 18(2), point (ba)			
Y	274a	<u>(ba) its members are remunerated in a way that is not linked to the outcome of the procedure;</u>		<u>(ba) its members are remunerated in a way that is not linked to the outcome of the procedure;</u>
	Article 18(2), point (bb)			
Y	274b	<u>(bb) the natural persons in charge of dispute resolution commit not to work for the online platform or a professional organisation or business association of which the online platform is a member for a period of three years after their position in the body has ended, and have not worked for such an organisation for two years prior to taking up this role;</u>		[deleted]
	Article 18(2), point (c)			
Y	275	(c) the dispute settlement is easily	(c) the dispute settlement is easily	(c) the dispute settlement is easily

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	accessible through electronic communication technology;	accessible, <u>including for persons with disabilities</u> , through electronic communication technology <u>and provides for the possibility to submit a complaint and the requisite supporting documents online</u> ;	easily accessible through electronic communication technology;	accessible, <u>including for persons with disabilities</u> , through electronic communication technology <u>and provides for the possibility to initiate the dispute settlement and to submit the requisite supporting documents online</u> ;
	Article 18(2), point (d)			The part in brackets is parked until further discussion on Article 19a
276	(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;	(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;	(d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union;	(d) <u>it is established in a Member State and</u> is capable of settling dispute in a swift, efficient and cost-effective manner, in at least one official language of the Union;
	Article 18(2), point (e)			
277	(e) the dispute settlement takes place in accordance with clear and fair rules of procedure.	(e) the dispute settlement takes place in accordance with clear and fair rules of procedure <u>which are clearly visible and easily and publicly accessible</u> .	(e) the dispute settlement takes place in accordance with clear and fair rules of procedure, in compliance with applicable legislation .	(e) the dispute settlement takes place in accordance with clear and fair rules of procedure <u>that are easily and publicly accessible</u> , and in compliance with applicable legislation, including the requirements of this Article.
	Article 18(2), first paragraph			

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G	278	The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.	The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.	The Digital Services Coordinator shall, where applicable, specify in the certificate the particular issues to which the body's expertise relates and the official language or languages of the Union in which the body is capable of settling disputes, as referred to in points (b) and (d) of the first subparagraph, respectively.
	Article 18(2), first paragraph a			
Y	278a	<u>2a. The Digital Services Coordinator shall reassess on a yearly basis whether the certified out-of-court dispute settlement body continues to fulfil the conditions, referred to in paragraph 2. If this is not the case, the Digital Services Coordinator shall revoke the status from the out-of-court dispute settlement body.</u>		[deleted – in row 278b]
	Article 18(2), first paragraph b			
Y	278b	<u>2b. The Digital Service</u>		<u>2b. Certified out-of-court dispute</u>

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		<u>Coordinator shall draw up a report every two years listing the number of complaints the out of court dispute settlement body has received annually, the outcomes of the decisions delivered, any systematic or sectoral problems identified, and the average time taken to resolve the disputes. The report shall in particular:</u> <u>(a) identify best practices of the out-of-court dispute settlement bodies;</u> <u>(b) report, where appropriate, on any shortcomings, supported by statistics, that hinder the functioning of the out-of-court dispute settlement bodies for both domestic and cross-border disputes;</u> <u>(c) make recommendations on how to improve the effective and efficient functioning of the out-of-court dispute settlement bodies, where appropriate.</u>		<u>settlement bodies shall report to the Digital Services Coordinator that certified them, on an annual basis, on their functioning, specifying at least the number of disputes they received, the information about the outcomes of those disputes, the average time taken to resolve them and any shortcomings or difficulties encountered. They shall provide additional information upon request of that Digital Services Coordinator.</u> <u>Digital Service Coordinators shall, every two years, draw up a report on the functioning of the out-of-court dispute settlement bodies that they certified. That report shall in particular:</u> <u>(a) list the number of disputes that each certified body has received annually;</u> <u>(b) indicate the outcomes of the procedures brought before those bodies and the average time taken to resolve the disputes;</u> <u>(c) identify and explain any systematic or sectoral</u>

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				<u>shortcomings or difficulties encountered in relation to the functioning of those bodies;</u> <u>(d) identify best practices concerning such functioning;</u> <u>(e) contain recommendations on how to improve such functioning, where appropriate.</u>
	Article 18(2), first paragraph c			
Y	278c	<u>2c. Certified out-of-court dispute settlement bodies shall conclude dispute resolution proceedings within a reasonable period of time and no later than 90 calendar days after the date on which the certified body has received the complaint. The procedure shall be considered terminated on the date on which the certified body has made the decision of out-of-court dispute settlement procedure available.</u>		<u>2c. Certified out-of-court dispute settlement bodies shall make their solution available to the parties within a reasonable period of time and no later than 90 calendar days after the receipt of the complaint. In the case of highly complex disputes, the certified body may, at its own discretion, extend the 90 calendar days' time period, subject to a maximum total duration of 180 days.</u>
	Article 18(2a)			
Y	278d		2a. Where an out-of-court dispute settlement body is certified by the competent	New addition in recital 44 : Where an out-of-court dispute settlement body is certified by the

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			Digital Services Coordinator pursuant to paragraph 2, that certification shall be valid in all Member States.	competent Digital Services Coordinator pursuant to paragraph 2, that certification <i>should</i> be valid in all Member States.
	Article 18(3), introductory part			
279	3. If the body decides the dispute in favour of the recipient of the service, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient has paid or is to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.	3. If the body decides the dispute in favour of the recipient of the service, <i>individuals or entities mandated under Article 68 that have submitted notices</i>, the online platform shall reimburse the recipient for any fees and other reasonable expenses that the recipient ~~has~~ <i>or individuals or entities that have submitted notices have</i> paid or ~~is~~ <i>are</i> to pay in relation to the dispute settlement. If the body decides the dispute in favour of the online platform, <i>and the body does not find that the recipient acted in bad faith in the dispute, the recipient or the individuals or entities that have submitted notices</i> shall not be required to reimburse any fees or other expenses that the online platform paid or is to pay in relation to the dispute settlement.	3. If the body decides the dispute in favour of the recipient of the service, including of the individual or entity that have submitted a notice, the provider of the online platform shall bear the fees of the dispute resolution and shall reimburse the recipient, including the individual or entity, for any ~~for any fees and~~ they have paid in relation to the dispute settlement. If the body decides the dispute in favour of the provider of the online platform, the recipient, including the individual or entity, shall not be required to reimburse any fees or other expenses that the provider of the online platform paid or is to pay in relation to the dispute settlement unless the	3. If the body decides the dispute in favour of the recipient of the service, the provider of the online platform shall bear <i>all</i> the fees <i>charged by the body</i> and shall reimburse the recipient, for any other reasonable expenses that they have paid in relation to the dispute settlement. If the body decides the dispute in favour of the provider of the online platform, the recipient shall not be required to reimburse any fees or other expenses that the provider of the online platform paid or is to pay in relation to the dispute settlement, unless the body finds that the recipient acted manifestly in bad faith.

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			recipient, including the individual or entity, acted in manifestly bad faith.	
	Article 18(3), first paragraph			
280	The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof.	The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof <u>for online platforms. Out-of-court dispute settlement procedures shall be free of charge or available at a nominal fee for the recipient of the service.</u>	The fees charged by the body for the dispute settlement shall be reasonable, accessible, attractive and inexpensive for consumers. The fees ~~and shall~~ in any event not exceed the nominal fee and the costs thereof.	The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs for providers of online platforms and a nominal fee for recipients of the service.
	Article 18(3), second paragraph			
281	Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, known to the recipient of the services and the online platform concerned before engaging in the dispute settlement.	Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, known to the recipient of the services and the online platform concerned before engaging in the dispute settlement.	Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, known to the recipient of the services, including to the individuals or entities that have submitted a notice, and the provider of ~~and~~ the online platform concerned before engaging in the dispute settlement.	Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, known to the recipient of the services, and the provider of ~~and~~ the online platform concerned, before engaging in the dispute settlement.

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	Article 18(4), introductory part			
G	282	4. Member States may establish out-of-court dispute settlement bodies for the purposes of paragraph 1 or support the activities of some or all out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2.	4. Member States may establish out-of-court dispute settlement bodies for the purposes of paragraph 1 or support the activities of some or all out-of-court dispute settlement bodies that ~~they~~ have been certified in accordance with paragraph 2.	4. Member States may establish out-of-court dispute settlement bodies for the purposes of paragraph 1 or support the activities of some or all out-of-court dispute settlement bodies that have been certified in accordance with paragraph 2.
	Article 18(4), first paragraph			
G	283	Member States shall ensure that any of their activities undertaken under the first subparagraph do not affect the ability of their Digital Services Coordinators to certify the bodies concerned in accordance with paragraph 2.	Member States shall ensure that any of their activities undertaken under the first subparagraph do not affect the ability of their Digital Services Coordinators to certify the bodies concerned in accordance with paragraph 2.	Member States shall ensure that any of their activities undertaken under the first subparagraph do not affect the ability of the Digital Services Coordinators to certify the bodies concerned in accordance with paragraph 2.
	Article 18(4a)			
Y	283a		4a. The Digital Services Coordinator that certified the out-of-court dispute settlement body shall revoke that certification if it determines, following an investigation either on its own initiative or	4a. The Digital Services Coordinator that certified the out-of-court dispute settlement body shall revoke that certification if it determines, following an investigation either on its own initiative or on the basis of the

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			on the basis of the information received by third parties, that the body no longer meets the conditions set out in paragraph 2. Before revoking that certification, the Digital Services Coordinator shall afford the body an opportunity to react to the findings of its investigation and its intention to revoke the body's certification.	information received by third parties, that the body no longer meets the conditions set out in paragraph 2. Before revoking that certification, the Digital Services Coordinator shall afford the body an opportunity to react to the findings of its investigation and its intention to revoke the body's certification.
Article 18(5)				
284	5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph. The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated.	5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph <u>as well as out-of-court dispute settlement bodies whose status has been revoked</u> . The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated.	5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph, as well as the out-of-court dispute settlement bodies whose certification they have revoked . The Commission shall publish a list of those bodies, including those specifications, on a dedicated website that is easily	5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph, as well as the out-of-court dispute settlement bodies whose certification they have revoked. The Commission shall publish a list of those bodies, including those specifications, on a dedicated website that is easily accessible, and keep it updated.

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			accessible, and keep it updated.	
	Article 18(6)			
285	6. This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive.	6. This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive.	6. This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive.	6. This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive.
	Article 19			
286	Article 19 Trusted flaggers	Article 19 Trusted flaggers	Article 19 Trusted flaggers	Article 19 Trusted flaggers Identical to the compromise presented on March, 1 st – WK 2735/2022
	Article 19(1)			
287	1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay.	1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers, <u>acting within their designated area of expertise</u> , through the mechanisms referred to in Article 14, are processed and	1. Providers of online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without	1. Providers of online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers, <u>acting within their designated area of expertise</u> , through the mechanisms referred to in Article

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		conditions:	conditions:	
	Article 19(2), point (a)			
G	289	(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;	(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;	(a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content;
	Article 19(2), point (b)			
Y	290	(b) it represents collective interests and is independent from any online platform;	(b) it ~~represents collective interests and is independent from any~~ provider of online platformplatforms ;	(b) it ~~represents collective interests and is independent from any~~ provider of online platformplatforms ;
	Article 19(2), point (c)			
Y	291	(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner.	(c) it carries out its activities for the purposes of submitting notices in ~~a timely, diligent~~ an accurate and objective manner.	(c) it carries out its activities for the purposes of submitting notices in timely, diligent and objective manner.
	Article 19(2), point (ca)			
Y	291a		<u>(ca) it has a transparent funding structure, including publishing the sources and amounts of all</u>	[deleted]

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		<u>revenue annually;</u>		
	Article 19(2), point (cb)			
291b		<u>(cb) it publishes, at least once a year, clear, easily comprehensible, detailed and standardised reports on all notices submitted in accordance with Article 14 during the relevant period. The report shall list:</u> <u>- notices categorised by the identity of the provider of hosting services;</u> <u>- the type of content notified;</u> <u>- the specific legal provisions allegedly breached by the content notified;</u> <u>- the action taken by the provider;</u> <u>- any potential conflicts of interest and sources of funding, and an explanation of the procedures in place to ensure that the trusted flagger retains its</u>		<u>2a. Trusted flaggers shall publish, at least once a year easily comprehensible and detailed reports on notices submitted in accordance with Article 14 during the relevant period. The report shall list at least the number of notices categorised by:</u> <u>- the identity of the provider of hosting services;</u> <u>- the type of illegal content notified;</u> <u>- the action taken by the provider.</u> <u>Those reports shall include an explanation of the procedures in place to ensure that the trusted flagger retains its independence.</u> <u>Those report shall be sent to the awarding Digital Services Coordinator and be made</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>independence.</u> <u>The reports referred to in point (cb) shall be sent to the Commission which shall make them publicly available.</u>		<u>publicly available by the trusted flaggers. The information in those reports shall not contain personal data.</u>
	Article 19(3)			
292	3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2.	3. <u>Digital Services Coordinators shall award the trusted flagger status for a period of two years, upon which the status may be renewed where the trusted flagger concerned continues to meet the requirements of this Regulation.</u> The Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2 <u>or have been revoked in accordance with paragraph 6. The Digital Services Coordinator of the Member State of establishment of the platform shall engage in dialogue with platforms and stakeholders for maintaining the</u>	3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2 or revoked it in accordance with paragraph 6.	3. Digital Services Coordinators shall communicate to the Commission and the Board the names, addresses and electronic mail addresses of the entities to which they have awarded the status of the trusted flagger in accordance with paragraph 2 <u>or to which they have</u> revoked the status in accordance with paragraph 6.

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		<u>accuracy and efficacy of a trusted flagger system.</u>		
	Article 19(4)			
G	293 4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated.	4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database <u>in an easily accessible and machine-readable format</u> and keep the database updated.	4. The Commission shall publish the information referred to in paragraph 3 in a publicly available and easily accessible database and keep the database updated.	4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database <u>in an easily accessible and machine-readable format</u> and keep the database updated.
	Article 19(5)			
Y	294 5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator	5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise, <u>inaccurate</u> or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator	5. Where ~~an a~~ provider of online ~~platform~~ platforms has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that	5. Where ~~an a~~ provider of online ~~platform~~ platforms has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital

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	that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.	that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents. <u>Upon receiving the information from the online platforms and if the Digital Services Coordinator considers that there are legitimate reasons to open an investigation, the status of trusted flagger shall be suspended during the period of the investigation.</u>	information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents.	Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents. <u>Upon receiving the information from the provider of online platforms and if the Digital Services Coordinator considers that there are legitimate reasons to open an investigation, the status of trusted flagger shall be suspended during the period of the investigation, which shall be carried out without undue delay.</u>
Article 19(6)				
295	6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by an online platform pursuant to paragraph 5, that the entity no longer meets the	6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received ~~by~~ <u>from</u> third parties, including the information provided by an online platform pursuant to paragraph 5, <u>carried out without undue delay</u> , that the	6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received by third parties, including the information provided by ~~an~~ <u>a provider of online platforms</u> pursuant to paragraph 5, that the	6. The Digital Services Coordinator that awarded the status of trusted flagger to an entity shall revoke that status if it determines, following an investigation either on its own initiative or on the basis of information received ~~by~~ <u>from</u> third parties, including the information provided by ~~an~~ <u>a provider of online platforms</u> pursuant to paragraph 5, that the entity no

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger	entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.	entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.	longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger.
	Article 19(7)			
G	296	7. The Commission, after consulting the Board, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.	7. The Commission, after consulting the Board, ~~may~~ shall issue guidance to assist providers of online platforms and Digital Services Coordinators in the application of paragraphs 2, 5 and 6.	7. The Commission, after consulting the Board, ~~may~~ shall, <u>where necessary</u> issue guidance to assist providers of online platforms and Digital Services Coordinators in the application of paragraphs 2, 5 and 6.
	Article 19a			
Y	296a		<u>Article 19a</u> <u>Accessibility requirements for online platforms</u>	Not in the revised mandate – identical to the GA
	Article 19a(1)			
Y	296b		<u>1. Providers of online platforms</u>	

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

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

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		<u>5. In the case of non-conformity, providers of online platforms shall take the corrective measures necessary to bring the service into conformity with the applicable accessibility requirements.</u>		
	Article 19a(6)			
Y	296g	<u>6. They shall cooperate with that authority, at the request of that authority, on any action taken to bring the service into compliance with those requirements.</u>		Y
	Article 19a(7)			
Y	296h	<u>7. Online platforms which are in conformity with harmonised standards or parts thereof derived from Directive (EU) 2019/882 the references of which have been published in the Official Journal of the European Union, shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those standards or parts thereof cover those requirements.</u>		Y

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	Article 19a(8)			
Y	296i	8. <u>Online platforms which are in conformity with the technical specifications or parts thereof adopted for the Directive (EU) 2019/882 shall be presumed to be in conformity with the accessibility requirements of this Regulation in so far as those technical specifications or parts thereof cover those requirements.</u>		
	Article 20			
G	297	Article 20 Measures and protection against misuse	Article 20 Measures and protection against misuse	Article 20 Measures and protection against misuse Identical to the compromise presented on March, 1 st – WK 2735/2022
	Article 20(1)			
Y	298	1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior	1. Online platforms shall <u>be entitled to</u> suspend, for a reasonable period of time and after	1. Providers of online platforms shall suspend, for a reasonable period of time and after having

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	warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.	having issued a prior warning, the provision of their services to recipients of the service that frequently provide ~~manifestly~~ <u>illegal content, for which the illegality can be established without conducting a legal or factual examination or for which they have received two or more orders to act regarding illegal content in the previous 12 months, unless those orders were later overturned.</u>	issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.	issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.
Article 20(2)				
299	2. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.	2. Online platforms shall <u>be entitled to</u> suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that ~~frequently~~ <u>repeatedly</u> submit notices or complaints that are manifestly unfounded.	2. Providers of online platforms ~~shall~~ <u>may</u> suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.	2. Providers of online platforms ~~shall~~ may suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action mechanisms and internal complaints-handling systems referred to in Articles 14 and 17, respectively, by individuals or entities or by complainants that frequently submit notices or complaints that are manifestly unfounded.

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	Article 20(3), introductory part			
g	300	3. Online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to the online platform. Those circumstances shall include at least the following:	3. <u>When deciding on the suspension, providers of</u> online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to <u>the provider of</u> the online platform. Those circumstances shall include at least the following:	3. When deciding on the suspension, providers of online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient of the service , individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to the provider of the online platform. Those circumstances shall include at least the following:
	Article 20(3), point (a)			
y	301	(a) the absolute numbers of items of manifestly illegal content or manifestly unfounded notices or complaints, submitted in the past year;	(a) the absolute numbers of items of ~~manifestly~~ illegal content or manifestly unfounded notices or complaints, submitted in the past year;	(a) the absolute numbers of items of manifestly illegal content or manifestly unfounded notices or complaints, submitted in ~~the past year~~ a given time frame ;
	Article 20(3), point (b)			

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Y	302	(b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in the past year;	(b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in a given time frame ~~the past year~~ ;	(b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in a given time frame ~~the past year~~ ;
	Article 20(3), point (c)			
G	303	(c) the gravity of the misuses and its consequences;	(c) the gravity of the misuses and its consequences;	(c) the gravity of the misuses, including the nature of illegal content, and of ~~and~~ its consequences;
	Article 20(3), point (d)			
G	304	(d) the intention of the recipient, individual, entity or complainant.	(d) <u>where identifiable</u> the intention of the recipient, individual, entity or complainant;	(d) where it is possible to infer it, the intention of the recipient of the service, individual, entity or complainant.
	Article 20(3), point (da)			
Y	304a		<u>(da) whether a notice was submitted by an individual user or by an entity or persons with specific expertise related to the content in question or following</u>	[deleted]

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		<u><i>the use of an automated content recognition system.</i></u>		
	Article 20(3a)			
Y	304b	<u><i>3a. Suspensions referred to in paragraphs 1 and 2 may be declared permanent where:</i></u> <u><i>(a) there are compelling reasons of law or public policy, including ongoing criminal investigations;</i></u> <u><i>(b) the items removed were components of high-volume campaigns to deceive users or manipulate platform content moderation efforts;</i></u> <u><i>(c) a trader has repeatedly offered goods and services that do not comply with Union or national law;</i></u> <u><i>(d) the items removed were related to serious crimes.</i></u>		deleted]
	Article 20(4)			
Y	305			Y

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

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	a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.	~~a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.~~	offence involving a threat to the life or safety of persons has taken place, is taking place or is likely to take place, it shall promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all relevant information available.	
	Article 21(2), introductory part			
308	2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.	~~2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.~~	2. Where the online platform cannot identify with reasonable certainty the Member State concerned, it shall inform the law enforcement authorities of the Member State in which it is established or has its legal representative or inform Europol.	Identical to the GA - moved to Article 15a
	Article 21(2), first paragraph			
309	For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State	~~For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the Member State~~	For the purpose of this Article, the Member State concerned shall be the Member State where the offence is suspected to have taken place, be taking place and likely to take place, or the	Identical to the GA - moved to Article 15a

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	where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.	~~where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.~~	Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected offence resides or is located.	
	Article 22 [Article 22 moved to Article 24a, into new Section 3a]			
310	Article 22 Traceability of traders	Article 22 Traceability of traders	Article 22 Traceability of traders [Article 22 moved to Article 24a, into new Section 3a]	[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), introductory part			
311	1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:	1. ~~Where an~~ Online platform ~~allows~~ <u>platforms allowing</u> consumers to conclude distance contracts with traders, ~~it~~ shall ensure that traders can only use ~~its~~ <u>their</u> services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of ~~its~~ <u>their</u> services <u>for those purposes, they have been provided with,</u> ~~the online platform has obtained~~ the following information:	1. ~~Where an~~ online platform ~~allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information:~~	[Article 22 moved to Article 24a, into new Section 3a]

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	Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (a)			
R 312	(a) the name, address, telephone number and electronic mail address of the trader;	(a) the name, address, telephone number and electronic mail address of the trader;	~~(a) the name, address, telephone number and electronic mail address of the trader;~~	[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (b)			
R 313	(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council ¹ ; 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC	(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council ¹ ; 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC	~~(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council¹; 1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC~~	[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (c)			
R 314	(c) the bank account details of the	(c) the bank account details of the	~~(c) the bank account details of~~	[Article 22 moved to Article 24a, into

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	trader, where the trader is a natural person;	trader, where the trader is a natural person;	the trader, where the trader is a natural person;	new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (d)			
315	(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council¹ or any relevant act of Union law; 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council¹ or any relevant act of Union law, <u>including in the area of product safety</u>; 1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	~~(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council¹ or any relevant act of Union law;~~ ~~1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).~~	[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (e)			
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	(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;	(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;	~~(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;~~	[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (f)			
317	(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.	(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law <u>and where applicable confirming that all products have been checked against available databases, such as the Union Rapid Alert System for dangerous non-food products (RAPEX);</u>	~~(f) a self-certification by the trader committing to only offer products or services that comply with the applicable rules of Union law.~~	[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](1), point (fa)			
317a		<u>(fa) the type of products or services the trader intends to offer on the online platform.</u>		[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](2)			
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	2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.	2. The online platform <u>allowing consumers to conclude distance contracts with traders</u> shall, upon receiving that information <u>before allowing the display of the product or service on its online interface, and until the end of the contractual relationship, make best, ~~make reasonable~~</u> efforts to assess whether the information referred to in points (a), ~~(d) and (e)~~ <u>to (fa)</u> of paragraph 1 is reliable <u>and complete. The online platform shall make best efforts to check the information provided by the trader</u> through the use of any freely accessible official online database or online interface made available by <u>an authorised administrator or</u> a Member States or the Union or through <u>direct</u> requests to the trader to provide supporting documents from reliable sources. <u>No later than one year after the entry into force of this Regulation, the Commission shall publish the list of online databases and online interfaces mentioned in the paragraph</u>	2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.	[Article 22 moved to Article 24a, into new Section 3a]

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		<u>above and keep it up-to-date. The obligations for online platforms referred to in paragraphs 1 and 2 shall apply with regard to new and existing traders.</u>		
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](2a)			
318a		<u>2a. The online platform shall make best efforts to identify and prevent the dissemination, by traders using its service, of offers for products or services which do not comply with Union or national law through measures such as random checks on the products and services offered to consumers in addition to the obligations referred to in paragraph 1 and 2 of this Article.</u>		[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](3), introductory part			
319	3. Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the	3. Where the online platform obtains <u>sufficient</u> indications <u>or has reasons to believe</u> that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall	~~3. Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the~~	[Article 22 moved to Article 24a, into new Section 3a]

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	information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.	request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.	~~information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.~~	
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](3), first paragraph			
R 320	Where the trader fails to correct or complete that information, the online platform shall suspend the provision of its service to the trader until the request is complied with.	Where the trader fails to correct or complete that information, the online platform shall <u>swiftly</u> suspend the provision of its service to the trader <u>in relation to the offering of products or services to consumers located in the Union</u> until the request is <u>fully</u> complied with.	~~Where the trader fails to correct or complete that information, the online platform shall suspend the provision of its service to the trader until the request is complied with.~~	[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](3a)			
R 320a		<u>3a. If an online platform rejects an application for services or suspends services to a trader, the trader shall have recourse to the mechanisms under Article 17 and Article 43 of this Regulation.</u>		[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](3b)			

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R 320b		<u>3b. Online platforms allowing consumers to conclude contracts with traders shall ensure that the identity, such as the trademark or logo, of the business user providing content, goods or services is clearly visible alongside the content, goods or services offered. For this purpose, the online platform shall establish a standardised interface for business users.</u>		[Article 22 moved to Article 24a, into new Section 3a]
Article 22 [Article 22 moved to Article 24a, into new Section 3a](3c)				
R 320c		<u>3c. Traders shall be solely liable for the accuracy of the information provided and shall inform without delay the online platform of any changes to the information provided.</u>		[Article 22 moved to Article 24a, into new Section 3a]
Article 22 [Article 22 moved to Article 24a, into new Section 3a](4)				
R 321	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship	[Article 22 moved to Article 24a, into new Section 3a]

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	trader concerned. They shall subsequently delete the information.	trader concerned. They shall subsequently delete the information <u>no later than six months after the final conclusion of a distance contract.</u>	~~with the trader concerned. They shall subsequently delete the information.~~	
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](5)			
322	5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.	5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.	~~5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.~~	[Article 22 moved to Article 24a, into new Section 3a]
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](6)			
323	6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.	6. The online platform shall make the information referred to in points (a), (d), (e), ~~(f), and (fa)~~ <u>and (f)</u> of paragraph 1 ~~available~~ <u>easily accessible</u> to the recipients of the service, in a clear, easily accessible and	~~6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.~~	[Article 22 moved to Article 24a, into new Section 3a]

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		comprehensible manner <u>in accordance with the accessibility requirements of Annex I to Directive (EU) 2019/882.</u>		
	Article 22 [Article 22 moved to Article 24a, into new Section 3a](7)			
R	324	7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.	~~7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.~~	[Article 22 moved to Article 24a, into new Section 3a]
	Article 22a			
R	324a	<u>Article 22a</u> <u>Obligation to inform consumers and authorities about illegal products and services</u>		[Article 22a moved to Article 24c, into new Section 3a]
	Article 22a(1)			
R	324b	<u>1. Where an online platform allows consumers to conclude distance contracts with traders becomes aware, irrespective of</u>		[Article 22a moved to Article 24c, into new Section 3a]

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

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		<u>information about the concerned trader and options for seeking redress.</u>		
	Article 22a(2)			
R	324c	<u>2. Online platforms allowing consumers to conclude distance contracts with traders shall maintain an internal database of illegal products and services removed and/or recipients suspended pursuant to Article 20.</u>		[Article 22a moved to Article 24c, into new Section 3a]
	Article 23			
G	325	Article 23 Transparency reporting obligations for providers of online platforms	Article 23 Transparency reporting obligations for providers of online platforms	Article 23 Transparency reporting obligations for providers of online platforms Not in the revised mandate - Identical to the General approach of the Council
	Article 23(1), introductory part			
G	326	1. In addition to the information referred to in Article 13, online platforms shall include in the	1. In addition to the information referred to in Article 13, online platforms shall include in the	1. In addition to the information referred to in Article 13, providers of online platforms shall include

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	reports referred to in that Article information on the following:	reports referred to in that Article information on the following:	shall include in the reports referred to in that Article information on the following:	in the reports referred to in that Article information on the following:
	Article 23(1), point (a)			
Y	327 (a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute settlement procedures;	(a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute settlement procedures;	(a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement, and the average median time needed for completing the dispute settlement procedures and the share of disputes where the platform implemented the decisions of the body ;	(a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement, and the average median time needed for completing the dispute settlement procedures and the share of disputes where the platform implemented the decisions of the body ;
	Article 23(1), point (aa)			
Y	327a	<u>(aa) the number of complaints received through the internal complaint-handling system referred to in Article 17, the basis for those complaints, decisions taken in respect of those complaints, the average and median time needed for taking those decisions and the number</u>		

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		<u>of instances where those decisions were reversed;</u>		
	Article 23(1), point (b)			
Y	328 (b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of manifestly illegal content, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints;	(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of ~~manifestly~~ illegal content, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints;	(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of manifestly illegal content, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints;	(b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of manifestly illegal content, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints;
	Article 23(1), point (c)			
G	329 (c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.	(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.	(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.	(c) any use made of automatic means for the purpose of content moderation, including a specification of the precise purposes, indicators of the accuracy of the automated means in fulfilling those purposes and any safeguards applied.
	Article 23(1), point (ca)			
R	329a	<u>(ca) the number of</u>		

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		<u>advertisements that were removed, labelled or disabled by the online platform and justification of the decisions.</u>		
	Article 23(2)			
Y	330	2. Online platforms shall publish, at least once every six months, information on the average monthly active recipients of the service in each Member State, calculated as an average over the period of the past six months, in accordance with the methodology laid down in the delegated acts adopted pursuant to Article 25(2).	2. Providers of online platforms shall publish in a publicly available section of their online interface , at least once every six months, information on the average monthly active recipients of the service in ~~each Member State~~ the Union , calculated as an average over the period of the past six months, in accordance with the methodology laid down in ~~the any~~ delegated acts adopted pursuant to Article ~~25(2)~~ 25(3) .	2. Providers of online platforms shall publish in a publicly available section of their online interface , at least once every six months, information on the average monthly active recipients of the service in ~~each Member State~~ the Union , calculated as an average over the period of the past six months, in accordance with the methodology laid down in ~~the any~~ delegated acts adopted pursuant to Article ~~25(2)~~ 25(3) .
	Article 23(2a)			
Y	330a	<u>2a. Member States shall refrain from imposing additional transparency reporting obligations on the online platforms, other than specific requests in connection with the exercise of their supervisory</u>	2a. Providers of online platforms shall, without undue delay, submit the decisions and the statements of reasons, referred to in Article 15(1), for the inclusion in a structured database managed by the	15(4) to be moved in 23(2a) - No precise compromise yet

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		<u>powers.</u>	Commission. This database shall be accessible to vetted researchers pursuant to Article 31 and to Digital Services Coordinators, who may grant access to that database to any relevant national authority in their Member States. Providers of online platforms shall ensure that the information submitted does not contain personal data. [moved from Article 15(4)]	
Article 23(3)				
331	3. Online platforms shall communicate to the Digital Services Coordinator of establishment, upon its request, the information referred to in paragraph 2, updated to the moment of such request. That Digital Services Coordinator may require the online platform to provide additional information as regards the calculation referred to in that paragraph, including explanations and substantiation in respect of the data used. That information shall not include personal data.	3. Online platforms shall communicate to the Digital Services Coordinator of establishment, upon its request, the information referred to in paragraph 2, updated to the moment of such request. That Digital Services Coordinator may require the online platform to provide additional information as regards the calculation referred to in that paragraph, including explanations and substantiation in respect of the data used. That information shall not include personal data.	3. Providers of online platforms shall communicate to the Digital Services Coordinator of establishment and the Commission, upon their, ~~upon~~ its request, the information referred to in paragraph 2, updated to the moment of such request. That Digital Services Coordinator or the Commission may require the provider of the online platform to provide additional information as regards the calculation referred to in that paragraph, including explanations and substantiation	3. Providers of online platforms shall communicate to the Digital Services Coordinator of establishment and the Commission, upon their, ~~upon~~ its request, the information referred to in paragraph 2, updated to the moment of such request. That Digital Services Coordinator or the Commission may require the provider of the online platform to provide additional information as regards the calculation referred to in that paragraph, including explanations and substantiation in respect of

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

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	Article 24			
R 333	Article 24 Online advertising transparency	Article 24 Online advertising transparency	Article 24 Online advertising transparency	Article 24 Online advertising transparency Rows 333, 334, 335, 336, 337a, 337b are identical to the General Approach Row 337d is identical to the PCY compromise presented on March, 11th in the PCY Flash
	Article 24, first paragraph, introductory part			
R 334	Online platforms that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear and unambiguous manner and in real time:	<u>1.</u> Online platforms that display advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement displayed to each individual recipient, in a clear, <u>concise</u> , and unambiguous manner and in real time:	1. Providers of online platforms that ~~display~~ present advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement ~~displayed~~ presented to each individual recipient, in a clear, salient and unambiguous manner and in real time:	1. Providers of online platforms that ~~display~~ present advertising on their online interfaces shall ensure that the recipients of the service can identify, for each specific advertisement ~~displayed~~ presented to each individual recipient, in a clear, salient and unambiguous manner and in real time:
	Article 24, first paragraph, point (a)			
R 335	(a) that the information displayed is an advertisement;	(a) that the information displayed <u>on the interface or parts thereof</u> is	(a) that the information ~~displayed~~ presented is an	(a) that the information ~~displayed~~ presented is an

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		an <u>online</u> advertisement, <u>including through prominent and harmonised marking</u> ;	advertisement, including through prominent markings. Such markings may be standardised pursuant to Article 34;	advertisement, including through prominent markings. Such markings may be standardised pursuant to Article 34;
	Article 24, first paragraph, point (b)			
R 336	(b) the natural or legal person on whose behalf the advertisement is displayed;	(b) the natural or legal person on whose behalf the advertisement is displayed;	(b) the natural or legal person on whose behalf the advertisement is ~~displayed~~ presented ;	(b) the natural or legal person on whose behalf the advertisement is ~~displayed~~ presented ;
	Article 24, first paragraph, point (ba)			
R 336a		<u>(ba) the natural or legal person who finances the advertisement where this person is different from the natural or legal person referred to in point (b);</u>		Identical to the GA
	Article 24, first paragraph, point (c)			
R 337	(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed.	(c) <u>clear, meaningful, and uniform</u> information about the ~~main~~ parameters used to determine the recipient to whom the advertisement is displayed, <u>and where applicable about how to</u>	(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is ~~displayed~~ presented. The information shall be directly	(c) meaningful information about the main parameters used to determine the recipient to whom the advertisement is ~~displayed~~ presented. The information shall be directly

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		<u>change those parameters.</u>	and easily accessible from the advertisement.	and easily accessible from the advertisement.
	Article 24, second paragraph a, introductory part			
R 337a			2. Providers of online platforms shall provide recipients of the service with a functionality to declare whether the content they provide is or contains commercial communications as defined in Article 2(f) of Directive 2000/31/EC.	2. Providers of online platforms shall provide recipients of the service with a functionality to declare whether the content they provide is or contains commercial communications as defined in Article 2(f) of Directive 2000/31/EC.
	Article 24, first paragraph			
R 337b			When the recipient of the service submits a declaration pursuant to this paragraph, the provider of online platform shall ensure that other recipients of the service can identify in a clear and unambiguous manner and in real time, including through prominent markings, that the content provided by the recipient of the service is or contains commercial	When the recipient of the service submits a declaration pursuant to this paragraph, the provider of online platform shall ensure that other recipients of the service can identify in a clear and unambiguous manner and in real time, including through prominent markings, that the content provided by the recipient of the service is or contains commercial communications. Such markings may be standardised pursuant to

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			communications. Such markings may be standardised pursuant to Article 34.	Article 34.
	Article 24, first paragraph a			
R 337c		<i><u>1a. Online platforms shall ensure that recipients of services can easily make an informed choice on whether to consent, as defined in Article 4 (11) and Article 7 of Regulation (EU) 2016/679, in processing their personal data for the purposes of advertising by providing them with meaningful information, including information about how their data will be monetised. Online platforms shall ensure that refusing consent shall be no more difficult or time-consuming to the recipient than giving consent. In the event that recipients refuse to consent, or have withdrawn consent, recipients shall be given other fair and reasonable options to access the online platform.</u></i>		[deleted]
	Article 24, first paragraph b			
R 337d				Identical to the PCY compromise

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		<u>1b. Targeting or amplification techniques that process, reveal or infer personal data of minors or personal data referred to in Article 9(1) of Regulation (EU) 2016/679 for the purpose of displaying advertisements are prohibited.</u>	PUBLIC	presented on March, 11th in the PCY Flash <u>Article 30a (new)</u> <u>1. Providers of very large online platform shall not present advertising to minors based on profiling within the meaning of Article 4(4) of Regulation 2016/679 when they are aware that the recipient of the service is a minor.</u> <u>2. The first paragraph shall not oblige the provider of very large online platform to process additional information in order to assess the age of the recipient of the service.</u> + addition in Recital 63 <u>[...] Providers of very large online platforms should not present advertising based on the processing of personal data of the recipient of the service when they are aware that the recipient of the service is a minor. In accordance with the requirements of Regulation (EU) 2016/679, notably the requirements of article 5(1)(c) regarding data minimisation, this obligation should not lead providers of the very large online</u>

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				<u>platform to maintain, acquire or process more information than it already has in order to identify if the recipient of the service is a minor. Thus, this obligation should not incentivize providers of very large online platforms to collect the age of the recipients of the service prior to their use.</u> + addition in Recital 52 <u>[...] The processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, as well as the data concerning health or a natural person's sex life or sexual orientation should comply with Article 9 of Regulation (EU) 2016/679.</u>
	Article 24a			
R	337e	<u>Article 24a</u> <u>Recommender system</u> <u>transparency</u>		Not in the revised mandate – compromise still under scrutiny –
	Article 24a(1)			
R	337f	<u>1. Online platforms shall set out</u>		Not in the revised mandate – compromise still under scrutiny –

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		<u>in their terms and conditions and via a designated online resource that can be directly reached and easily found from the online platform's online interface when content is recommended, in a clear, accessible and easily comprehensible manner the main parameters used in their recommender systems, as well as any options for the recipient of the service to modify or influence those main parameters that they have made available.</u>		
	Article 24a(2)			
R 337g		<u>2. The main parameters referred to in paragraph 1 shall include, at a minimum:</u> <u>(a) the main criteria used by the relevant system which individually or collectively are most significant in determining recommendations;</u> <u>(b) the relative importance of those parameters;</u> <u>(c) what objectives the relevant system has been optimised for; and</u> <u>(d) if applicable, an</u>		Not in the revised mandate – compromise still under scrutiny –

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		<u>explanation of the role that the behaviour of the recipients of the service plays in how the relevant system produces its outputs.</u> <u>The requirements set out in paragraph 2 shall be without prejudice to rules on protection of trade secrets and intellectual property rights.</u>		
	Article 24a(3)			
R	337h	<u>3. Where several options are available pursuant to paragraph 1, online platforms shall provide a clear and easily accessible function on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.</u>		Not in the revised mandate – compromise still under scrutiny –
	Article 24b			
Y	337i	<u>Article 24b</u> <u>Additional obligations for platforms primarily used for the</u>		Not in the revised mandate – identical to the General Approach of the Council.

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		<u>dissemination of user-generated pornographic content</u>		
	Article 24b, first paragraph			
337j		<u>Where an online platform is primarily used for the dissemination of user generated pornographic content, the platform shall take the necessary technical and organisational measures to ensure:</u> <u>(a) that users who disseminate content have verified themselves through a double opt-in e-mail and cell phone registration;</u> <u>(b) professional human content moderation, trained to identify image-based sexual abuse, including content having a high probability of being illegal;</u> <u>(c) the accessibility of a qualified notification procedure in the form that, additionally to the mechanism referred to in Article 14, individuals may notify the platform with the claim that image material depicting them or purporting to be depicting them is being disseminated without their</u>		Identical to the GA

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>consent and supply the platform with prima facie evidence of their physical identity; content notified through this procedure is to be suspended without undue delay.</u>		
	Section 3a			
R	337k		Section 3a Provisions applicable to providers of online marketplaces	Section 3a Provisions applicable to providers of online marketplaces
	Article 22			
R	337l	Article 22 Traceability of traders Moved reference text	Article 22 Traceability of traders Moved EP text	Article 24a Traceability of traders Identical to PCY compromise presented on March, 8 th (WK 3057/2022) – Modifications were made in row 337s
	Article 22(1), introductory part			
R	337m	1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products	1. ~~Where an~~ Online ~~platform~~ ~~allows~~ <u>platforms allowing</u> consumers to conclude distance contracts with traders, ~~it~~ shall ensure that traders can only use ~~its~~ <u>their</u> services to promote	1. Providers of online marketplaces shall ensure that traders can only use their services to promote messages on or to offer products or services to consumers located in the Union if,

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	or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information: Moved reference text	messages on or to offer products or services to consumers located in the Union if, prior to the use of ~~its~~<u>their</u> services <u>for those purposes, they have been provided with</u>, ~~the online platform has obtained~~ the following information:	services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of ~~its~~<u>their</u> services, the providers of online ~~platform has~~marketplaces have obtained the following information, where applicable:	prior to the use of their services, the providers of online marketplaces have obtained the following information, where applicable:
	Article 22(1), point (a)			
R 337n	(a) the name, address, telephone number and electronic mail address of the trader; Moved reference text	(a) the name, address, telephone number and electronic mail address of the trader;	(a) the name, address, telephone number and electronic mail address of the trader;	(a) the name, address, telephone number and electronic mail address of the trader;
	Article 22(1), point (b)			
R 337o	(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council¹; 1. Regulation (EU) No 910/2014 of the European	(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council¹; 1. Regulation (EU) No 910/2014 of the European	(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council¹; 1. Regulation (EU) No 910/2014 of the European	(b) a copy of the identification document of the trader or any other electronic identification as defined by Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council¹; 1. Regulation (EU) No 910/2014 of the European

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC Moved reference text	Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC	Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.	Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.
	Article 22(1), point (c)			
R 337p	(c) the bank account details of the trader, where the trader is a natural person; Moved reference text	(c) the bank account details of the trader, where the trader is a natural person;	(c) the ~~bank~~payment account details of the trader, ~~where the trader is a natural person;~~	(c) the payment account details of the trader;
	Article 22(1), point (d)			
R 337q	(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council¹ or any relevant act of Union law; 1. Regulation (EU) 2019/1020	(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council¹ or any relevant act of Union law, <u>including in the area of product safety</u>;	~~(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council¹ or any relevant act of Union law;~~	[see Article 24b row 337ad]

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	of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1). Moved reference text	1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).	~~1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).~~	
	Article 22(1), point (e)			
337r	(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register; Moved reference text	(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;	(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;	(e) where the trader is registered in a trade register or similar public register, the trade register in which the trader is registered and its registration number or equivalent means of identification in that register;
	Article 22(1), point (f)			
337s	(f) a self-certification by the trader committing to only offer products or services that comply	f) a self-certification by the trader committing to only offer products or services that comply with the	(f) a self-certification by the trader committing to only offer products or services that comply	(f) a self-certification by the trader committing to only offer products or services that comply

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	with the applicable rules of Union law. Moved reference text	applicable rules of Union law <u>and where applicable confirming that all products have been checked against available databases, such as the Union Rapid Alert System for dangerous non-food products (RAPEX);</u> <u>(fa) the type of products or services the trader intends to offer on the online platform.</u>	with the applicable rules of Union law.	with the applicable rules of Union law. 2nd PCY compromise to delete mentions to RAPEX
Article 22(2)				
337t	2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d) and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources. Moved reference text	2. The online platform <u>allowing consumers to conclude distance contracts with traders</u> shall, upon receiving that information <u>before allowing the display of the product or service on its online interface, and until the end of the contractual relationship, make best, make reasonable</u> efforts to assess whether the information referred to in points (a), ~~(d) and (e)~~ <u>to (fa)</u> of paragraph 1 is reliable <u>and complete. The online platform shall make best efforts to check the information provided by the trader</u> through the use of any freely accessible official	2. The provider of the online platform marketplace shall, upon receiving that information, make ~~reasonable~~ best efforts to assess, prior to the use of their services, whether the information referred to in points (a), ~~(d)~~ and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.	2. <u>Upon receiving the information referred to in paragraph 1 and prior to allowing the trader concerned to use its services, the provider of the online marketplace</u> shall, make best efforts to assess whether the information referred to in points (a) ~~and (e)~~ <u>to (f)</u> of paragraph 1 is reliable <u>and complete,</u> through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.

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		online database or online interface made available by <u>an authorised administrator or</u> a Member States or the Union or through <u>direct</u> requests to the trader to provide supporting documents from reliable sources. <u>No later than one year after the entry into force of this Regulation, the Commission shall publish the list of online databases and online interfaces mentioned in the paragraph above and keep it up-to-date. The obligations for online platforms referred to in paragraphs 1 and 2 shall apply with regard to new and existing traders.</u> <u>2a. The online platform shall make best efforts to identify and prevent the dissemination, by traders using its service, of offers for products or services which do not comply with Union or national law through measures such as random checks on the products and services offered to consumers in addition to the</u>		<u>For the purpose of this Regulation, traders shall be liable for the accuracy of the information provided.</u> <u>As regards traders that already use the services of providers of online marketplaces for the purposes referred to in the first subparagraph at [date of application of this Regulation], the providers shall make best efforts to obtain the information listed from the traders concerned within twelve months. Where the traders concerned fail to provide the information within that time period, the providers shall suspend the provision of their services to those traders until they provided all information.</u>

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		<u>obligations referred to in paragraph 1 and 2 of this Article.</u>		
	Article 22(3), introductory part			
337u	3. Where the online platform obtains indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law. Moved reference text	3. Where the online platform obtains <u>sufficient</u> indications <u>or has reasons to believe</u> that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that platform shall request the trader to correct the information in so far as necessary to ensure that all information is accurate and complete, without delay or within the time period set by Union and national law.	3. Where the provider of the online platform marketplace obtains sufficient indications that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate, incomplete or not up to date, that provider or ~~incomplete, that platform~~ shall request the trader to correct the information in so far as necessary to ensure that all information is accurate, complete and up to date and complete, without delay or within the time period set by Union and national law.	3. Where the provider of the online marketplace obtains sufficient indications <u>or has reasons to believe</u> that any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate, incomplete or not up to date, that provider shall request the trader to correct the information in so far as necessary to ensure that all information is accurate, complete and up to date, without delay or within the time period set by Union and national law.
	Article 22(3), first paragraph			
337v	Where the trader fails to correct or complete that information, the online platform shall suspend the provision of its service to the trader until the request is complied with.	Where the trader fails to correct or complete that information, the online platform shall <u>swiftly</u> suspend the provision of its service to the trader <u>in relation to the offering of products or services to consumers located in</u>	Where the trader fails to correct or complete that information, the ~~online platform~~ provider of online marketplace shall suspend the provision of its service to the trader until the request is complied with.	Where the trader fails to correct or complete that information, the online platform shall <u>swiftly</u> suspend the provision of its service to the trader <u>in relation to the offering of products or services to consumers located in</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Moved reference text	<u>the Union</u> until the request is <u>fully</u> complied with. <u>3a. If an online platform rejects an application for services or suspends services to a trader, the trader shall have recourse to the mechanisms under Article 17 and Article 43 of this Regulation.</u> <u>3b. Online platforms allowing consumers to conclude contracts with traders shall ensure that the identity, such as the trademark or logo, of the business user providing content, goods or services is clearly visible alongside the content, goods or services offered. For this purpose, the online platform shall establish a standardised interface for business users.</u> <u>3c. Traders shall be solely liable for the accuracy of the information provided and shall inform without delay the online platform of any changes to the information provided.</u>	PUBLIC	<u>the Union</u> until the request is <u>fully</u> complied with. <u>3a. Without prejudice to Article 4 of Regulation 2019/1150, in the event a provider of online marketplaces refuses to allow a trader to use, or suspends the provision of, its service pursuant to paragraphs 1 and 3, the trader concerned shall have the right to lodge a complaint as provided for in Articles 17 and 18 of this Regulation.</u>

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	Article 22(4)			
337w	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information. Moved reference text	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information <u>no later than six months after the final conclusion of a distance contract.</u>	4. The provider of the online platform marketplace shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of ~~their~~ 6 months after the end of the contractual relationship with the trader concerned. They shall subsequently delete the information.	4. The provider of the online ~~platform~~ marketplace shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of ~~their~~ 6 months after the end of the contractual relationship with the trader concerned. They shall subsequently delete the information.
	Article 22(5)			
337x	5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation. Moved reference text	5. Without prejudice to paragraph 2, the platform shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.	5. Without prejudice to paragraph 2 of this Article, the providers of online marketplaces, ~~the platform~~ shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.	5. Without prejudice to paragraph 2 of this Article, the providers of online marketplaces shall only disclose the information to third parties where so required in accordance with the applicable law, including the orders referred to in Article 9 and any orders issued by Member States' competent authorities or the Commission for the performance of their tasks under this Regulation.

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	Article 22(6)			
R 337y	6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner. Moved reference text	6. The online platform shall make the information referred to in points (a), (d), (e), ~~(f)~~, and (fa) ~~and (f)~~ of paragraph 1 ~~available~~ <u>easily accessible</u> to the recipients of the service, in a clear, easily accessible and comprehensible manner <u>in accordance with the accessibility requirements of Annex I to Directive (EU) 2019/882</u>.	6. The provider of online ~~platform~~ marketplace shall make the information referred to in points (a), ~~(d)~~, (e) and (f) of paragraph 1 available to the recipients of the service, at least on the product listing, in a clear, easily accessible and comprehensible manner.	R 6. The provider of online ~~platform~~ marketplace shall make the information referred to in points (a), ~~(d)~~ , (e) and (f) of paragraph 1 available to the recipients of the service, at least on the product listing , in a clear, easily accessible and comprehensible manner.
	Article 22(7)			
R 337z	7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law. Moved reference text	7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law.	~~7. The online platform shall design and organise its online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable Union law. [this provision is moved to Article 24b]~~	R [see Article 24b]
	Article 24b(1)			
R 337aa				R

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			Article 24b Compliance by design	Article 24b Compliance by design Identical to PCY compromise presented on March, except deletion of row 227ab to align with new compromise on dark patterns
	Article 24b(-1)			
R 337ab			-1. Providers of online marketplaces shall not design, structure, or organise their online interface in a way that either purposefully or in effect deceives or manipulates recipients of the service, by subverting or impairing their autonomy, decision-making or choices.	[deleted but pending on a final compromise on dark patterns– see row 233b]
	Article 24b(3)			
R 337ac			1. Providers of online marketplaces shall design and organise their online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable	1. Providers of online marketplaces shall design and organise their online interface in a way that enables traders to comply with their obligations regarding pre-contractual information and product safety information under applicable

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			Union law.	Union law.
	Article 24b(1), first subpara			
R 337ad			In particular, such online interfaces shall enable traders to provide information on the name, address, telephone number and electronic mail address of the economic operator, as defined in Article 3(13) of Regulation (EU) 2019/1020.	In particular, such online interfaces shall enable traders to provide information on the name, address, telephone number and electronic mail address of the economic operator, as defined in Article 3(13) of Regulation (EU) 2019/1020.
	Article 24b(2)			
R 337ae			2. The online interface shall allow traders to provide at least the information necessary for the clear and unambiguous identification of the products or the services offered, and, where applicable, the information concerning the labelling in compliance with rules of applicable Union law on product safety and product compliance.	2. ~~The~~ <u>Providers of online marketplaces shall design and organise their</u> online interface ~~shall allow~~ <u>in such a way that it allows</u> traders to provide: (a) at least the information necessary for the clear and unambiguous identification of the products or the services <u>promoted or offered to consumers located in the Union through the services of the providers;</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
				<u>(b) any sign identifying the trader such as the trademark, symbol or logo;</u> <u>(c)</u> and, where applicable, the information concerning the labelling <u>and marking</u> in compliance with rules of applicable Union law on product safety and product compliance.
	Article 24b(3)			
R	337af		3. Providers of online marketplaces shall make best efforts to assess whether traders have provided the information referred to in paragraphs 1 and 2 prior to allowing the offering of the product or service by the trader.	3. Providers of online marketplaces shall make best efforts to assess whether traders have provided the information referred to in paragraphs 1 and 2 prior to allowing the offering of the product or service by the trader.
	Article 24c			
R	337ag	<u>Article 22a</u> <u>Obligation to inform consumers and authorities about illegal products and services</u>	Article 24c Right to information	Article 24c Right to information 2nd PCY compromise based on the first one presented on March 4th.

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		Moved EP text		
	Article 24c(1)			
R 337ah		<u>1. Where an online platforms allowing consumers to conclude distance contracts with traders becomes aware, irrespective of the means used to, that a product or a service offered by a trader on the interface of that platform is illegal with regard to applicable requirements in Union or national law, it shall:</u> <u>(a) remove the illegal product or service from its interface expeditiously and, where appropriate, inform the relevant authorities, such as the market surveillance authority or the custom authority of the decision taken;</u> <u>(b) where the online platform has the contact details of the recipient of the services, inform those recipients of the service that had acquired such product or service about the illegality, the identity of the trader</u>	1. Where a provider of an online marketplace becomes aware, irrespective of the means used to, of an illegal product or service offered through its services, it shall inform those recipients of the service that had acquired such product or contracted such service during the last six months about the illegality, the identity of the trader and any relevant means of redress.	1. Where a provider of an online marketplace becomes aware irrespective of the means used, of an illegal product or service offered by <u>a trader to consumers located in the Union</u> through the use of its services, it shall, <u>insofar as it has their contact details,</u> inform the recipient of the service that purchased the product or service using its service during the last six months <u>from the moment that the provider became aware, about the illegality,</u> the identity of the trader and any relevant means of redress. PCY 2nd compromise to delete the obligation to inform the DSC

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>and options for seeking redress;</u> <u>(c) compile and make publicly available through application programming interfaces a repository containing information about illegal products and services removed from its platform in the past twelve months along with information about the concerned trader and options for seeking redress.</u>		
	Article 24c(2)			
R 337ai		<u>2. Online platforms allowing consumers to conclude distance contracts with traders shall maintain an internal database of illegal products and services removed and/or recipients suspended pursuant to Article 20.</u>	2. Where the provider of the online marketplace does not have the contact details of the recipients of the service referred to in paragraph 1, the provider shall make publicly available and easily accessible on its online interface the information concerning the illegal products or services removed, the identity of the trader and any means of redress.	2. Where, <u>in the situation referred to in paragraph 1</u> , the provider of the online marketplace does not have the contact details of <u>all the</u> recipients of the service <u>concerned</u> , the provider shall make publicly available and easily accessible on its online interface the information concerning the illegal ~~products or services removed~~ <u>product or service</u> , the identity of the trader and any <u>relevant</u> means of redress. PCY 2nd compromise to delete the obligation to compile a database of

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
				the removed products and services
	Section 4			
338	Section 4 Additional obligations for very large online platforms to manage systemic risks	Section 4 Additional obligations for very large online platforms to manage systemic risks	Section 4 -Additional obligations for providers of very large online platforms and very large online search engines to manage systemic risks	Section 4 -Additional obligations for providers of very large online platforms and very large online search engines to manage systemic risks
	Article 25			
339	Article 25 Very large online platforms	Article 25 Very large online platforms	Article 25 Very large online platforms	Article 25 Very large online platforms Identical to the Commission's services compromise presented on March 11th – WK 3533/2022
	Article 25(1)			
340	1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in	1. This Section shall apply to online platforms which: <u>(a) provide for at least four consecutive months</u> ~~provide~~ their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated	1. This Section shall apply to online platforms which ~~provide their services to~~ reach a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, ~~calculated in accordance with the methodology set out in the delegated acts referred to in~~	1. This Section shall apply to online platforms which reach a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, and which are designated as very large online platforms pursuant to paragraph 34.

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	paragraph 3.	in accordance with the methodology set out in the delegated acts referred to in paragraph 3. <u>Such a methodology shall take into account, in particular:</u> <u>(i) the number of active recipients shall be based on each service individually;</u> <u>(ii) active recipients connected on multiple devices are counted only once;</u> <u>(iii) indirect use of service, via a third party or linking, shall not be counted;</u> <u>(iv) where an online platform is hosted by another provider of intermediary services, that the active recipients are assigned solely to the online platform closest to the recipient;</u> <u>(v) that automated interactions, accounts or data scans by a non-human ("bots") are not included.</u>	and which are designated as very large online platforms pursuant to paragraph 34.	[See recital 54]
	Article 25(2)			
341	2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number of	2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number of	2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number	2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number of

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	average monthly recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to 10% of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.	average monthly recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to 10% of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.	of average monthly active recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to 10% of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.	average monthly active recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to 10% of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.
Article 25(3)				
342	3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active recipients of the service in the Union, for the purposes of paragraph 1. The methodology shall specify, in particular, how to	3. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology for calculating the number of average monthly active recipients of the service in the Union, for the purposes of paragraph +1(a) . The methodology shall specify, in particular, how to	3. The Commission ~~shall~~ may adopt delegated acts in accordance with Article 69, after consulting the Board, to ~~lay down a specific~~ provide additional specifications for the methodology for calculating the number of average monthly active recipients of the service in the Union, for the purposes of	3. The Commission may adopt delegated acts in accordance with Article 69, after consulting the Board, to provide additional specifications for the methodology for calculating the number of average monthly active recipients of the service in the Union, for the purposes of paragraph 1-of this Article and

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	determine the Union's population and criteria to determine the average monthly active recipients of the service in the Union, taking into account different accessibility features.	determine the Union's population and criteria to determine the average monthly active recipients of the service in the Union, taking into account different accessibility features.	paragraph 1. ~~The methodology shall specify, in particular, how to determine the Union's population and criteria to determine the average monthly active recipients of the service in the Union, taking into account different accessibility features of~~ this Article and Article 23(2), in order to regularly adapt such specifications for the methodology to market and technological developments.	Article 23(2), in order to regularly adapt such specifications for the methodology to market and technological developments.
	Article 25(4), introductory part			
343	4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that	4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that	4. The Commission shall, after having heard the Digital Services Coordinator of establishment ~~shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction~~ is concerned, adopt a decision designating as a very large online platform for the purposes of this Regulation the online platform which has a number of average monthly	4. The Commission shall, after having heard the Digital Services Coordinator of establishment or after taking into account the information provided by Digital Services Coordinator of establishment pursuant to Article 23(3a) concerned, adopt a decision designating as a very large online platform for the purposes of this Regulation the online platform which has a number of average monthly active recipients of the service equal to or higher than the number

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	decision, without undue delay, to the online platform concerned and to the Commission.	decision, without undue delay, to the online platform concerned and to the Commission.	active recipients of the service equal to or higher than the number referred to in paragraph 1. ~~On the basis of that verification, it~~ The Commission shall ~~adopt~~ take its decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating that designation, and communicate that decision, without undue delay, to the online platform concerned and to the Commission on the basis of data reported by the provider of the online platform pursuant to Article 23(2), and, where applicable, additional information requested pursuant to Article 23(3) and any other reliable data.	referred to in paragraph 1. The Commission shall take its decision on the basis of data reported by the provider of the online platform pursuant to Article 23(2), and, where applicable, additional information requested pursuant to Article 23(3) and any other reliable data.
	Article 25(4), first paragraph -a			
R 343a			The failure by the provider of the online platform to comply with Article 23(2) or to comply with the request by the Digital Services Coordinator of establishment or by the	The failure by the provider of the online platform to comply with Article 23(2) or to comply with the request by the Digital Services Coordinator of establishment or by the

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			Commission pursuant to Article 23(3) shall not prevent the Commission from designating that provider as a provider of very large online platform pursuant to this paragraph or pursuant to any other information otherwise obtained by the Digital Services Coordinator of establishment or the Commission.	Commission pursuant to Article 23(3) shall not prevent the Commission from designating that provider as a provider of very large online platform pursuant to this paragraph or pursuant to any other information otherwise obtained by the Digital Services Coordinator of establishment or the Commission.
	Article 25(4), first paragraph -b			
R 343b			When the Commission bases its decision on other reliable data pursuant to the first subparagraph of this paragraph, the Commission shall give the opportunity to the concerned provider of online platform to provide its views within 10 working days on the preliminary findings by the Commission that it intends to designate the online platform as a very large online platform and shall take due account of the views provided by the concerned provider.	When the Commission bases its decision on other reliable data pursuant to the first subparagraph of this paragraph, the Commission shall give the opportunity to the concerned provider of online platform to provide its views within 10 working days on the preliminary findings by the Commission that it intends to designate the online platform as a very large online platform and shall take due account of the views provided by the concerned provider.

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	Article 25(4), first paragraph -c			
R 343c			The absence of the views of the provider of the online platform pursuant to the second sub-paragraph of this paragraph shall not prevent the Commission from designating that online platform as a very large online platform based on such reliable data.	The absence of the views of the provider of the online platform pursuant to the second sub-paragraph of this paragraph shall not prevent the Commission from designating that online platform as a very large online platform based on such reliable data.
	Article 25(5),			
R 343d			5. Where the Commission establishes that during one year the number of average monthly active recipients of the online platform is below the threshold referred to in paragraph 1, it shall terminate the designation of the online platform as a very large online platform by decision.	5. Where the Commission establishes that during one year the number of average monthly active recipients of the online platform is below the threshold referred to in paragraph 1, it shall terminate the designation of the online platform as a very large online platform by decision.
	Article 25(6),			
R 343e			6. The Commission shall	6. The Commission shall

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			communicate its decisions pursuant to paragraphs 4 and 5, without undue delay, to the provider of the online platform concerned, to the Board and to the Digital Services Coordinator of establishment.	communicate its decisions pursuant to paragraphs 4 and 5, without undue delay, to the provider of the online platform concerned, to the Board and to the Digital Services Coordinator of establishment.
	Article 25(4), first paragraph			
R 344	The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations of this Section shall apply, or cease to apply, to the very large online platforms concerned from four months after that publication.	The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations of this Section shall apply, or cease to apply, to the very large online platforms concerned from four months after that publication.	The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations ~~of set out in~~ this Section shall apply, or cease to apply, to the very large online platforms concerned from four months after that publication.	<u>7.</u> The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations ~~of set out in~~ this Section shall apply, or cease to apply, to the very large online platforms concerned from four months after that publication.
344a				
	Article 26			
R 345	Article 26 Risk assessment	Article 26 Risk assessment	Article 26 Risk assessment	Article 26 Risk assessment

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				Identical to the Presidency compromise presented on March 4th – WK 3057/2022 – except modification in row 346
	Article 26(1), introductory part			
346	1. Very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, any significant systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:	1. Very large online platforms shall <u>effectively and diligently</u> identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, <u>and in any event before launching new services, the probability and severity of</u> any significant systemic risks stemming from, <u>the design, algorithmic systems, intrinsic characteristics,</u> ~~the~~ functioning and use made of their services in the Union. <u>The risk assessment shall take into account risks per Member State in which services are offered and in the Union as a whole, in particular to a specific language or region.</u> This risk assessment shall be specific to their services <u>and activities, including technology design, business-model choices,</u> and shall include the following systemic	1. Providers of very large online platforms shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article ~~25(4)~~25(6), at least once a year thereafter, any ~~significant~~ systemic risks stemming from the functioning and use made of their services in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks:	1. Providers of very large online platforms shall <u>diligently</u> identify, analyse and assess any systemic risks stemming from the <u>design, including algorithmic systems</u> functioning and use made of their services in the Union. They shall carry out the risk assessments from the date of application referred to in the second subparagraph of Article ~~25(4)~~25(6), and at least every year thereafter. This risk assessment shall be specific to their services and <u>proportionate to the systemic risks, considering their severity and probability.</u> It shall include the following systemic risks: Following the WP on March, 4th, a reference to the proportionality was added.

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		risks:		
	Article 26(1), point (a)			
347	(a) the dissemination of illegal content through their services;	(a) the dissemination of illegal content through their services <u>or content that is in breach with their terms and conditions</u> ;	(a) the dissemination of illegal content through their services;	(a) the dissemination of illegal content through their services;
	Article 26(1), point (b)			
348	(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;	(b) any <u>actual and foreseeable</u> negative effects for the exercise of the fundamental rights, <u>including for consumer protection</u> , to respect for <u>human dignity</u> , private and family life, <u>the protection of personal data and the</u> freedom of expression and information, <u>as well as to the freedom and the pluralism of the media</u> , the prohibition of discrimination, <u>the right to gender equality</u> , and the rights of the child, as enshrined in Articles <u>1, 7, 8, 11, 21, 23, 24 and 38</u> , ~~11, 21 and 24~~ of the Charter respectively;	(b) any negative effects for the exercise of the fundamental rights to respect for private and family life, freedom of expression and information, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively;	(b) any <u>actual or foreseeable</u> negative effects for the exercise of fundamental rights, <u>in particular the fundamental rights to human dignity</u> , respect for private and family life, <u>the protection of personal data</u> , freedom of expression and information, <u>including the freedom and pluralism of the media</u> , the prohibition of discrimination, the rights of the child <u>and consumer protection</u> , as enshrined in Articles <u>1, 7, 8, 11, 21, 24 and 38</u> of the Charter respectively;
	Article 26(1), point (c)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
349	(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.	(c) <u>any malfunctioning or intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service or risks inherent to the intended operation of the service, including the amplification of illegal content, of content that is in breach with their terms and conditions or any other content</u> —with an actual or foreseeable negative effect on the protection of ~~public health, minors,~~ <u>minors and of other vulnerable groups of recipients of the service, on democratic values, media freedom, freedom of expression and</u> civic discourse, or actual or foreseeable effects related to electoral processes and public security-;	(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative effect on the protection of public health, minors, civic discourse, or actual or foreseeable effects related to electoral processes and public security.	(c) intentional manipulation of their service, including by means of inauthentic use or automated exploitation of the service, or breaches of terms and conditions , with an actual or foreseeable negative effect on civic discourse and electoral processes, and public security;
Article 26(1), point (ca)				
349a		<u>(ca) any actual and foreseeable negative effects on the protection of public health as well as behavioural addictions or other serious negative consequences to the person's physical, mental,</u>		<u>(d) any actual or foreseeable negative effects in relation to gender-based violence</u> , the protection of public health, minors and <u>serious negative consequences to the person's</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>social and financial well-being.</u>		<u>physical and mental well-being.</u>
	Article 26(2)			
350	2. When conducting risk assessments, very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.	2. When conducting risk assessments, very large online platforms shall take into account, in particular, <u>whether and</u> how their content moderation systems, <u>terms and conditions, community standards, algorithmic systems,</u> recommender systems and systems for selecting and displaying advertisement, <u>as well as the underlying data collection, processing and profiling,</u> influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.	2. When conducting risk assessments, providers of very large online platforms shall take into account, in particular, how their content moderation systems, recommender systems and systems for selecting and displaying presenting advertisement influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.	2. When conducting risk assessments, providers of very large online platforms shall take into account, in particular, <u>whether and</u> how the following factors influence any of the systemic risks referred to in paragraph 1: (a) <u>the design of their</u> recommender systems <u>and any other relevant algorithmic system;</u> (b) their content moderation systems; (c) <u>the applicable terms and conditions and their enforcement;</u> (d) systems for selecting and presenting advertisement; <u>The assessments shall also</u> take into account the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.

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				<u>The assessments shall take into account specific regional or linguistic aspects.</u>
	Article 26(2a)			
R 350a		<u>2a. When conducting risk assessments, very large online platforms shall consult, where appropriate, representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. Their involvement shall be tailored to the specific systemic risks that the very large online platform aim to assess.</u>		deleted
	Article 26(2b)			
R 350b		<u>2b. The supporting documents of the risk assessment shall be communicated to the Digital Services Coordinator of establishment and to the Commission.</u>		3. Providers of very large online platforms shall preserve the supporting documents of the risk assessments for at least three years after the performance of risk assessments.
	Article 26(2c)			

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R 350c		<u>2c. The obligations referred to in paragraphs 1 and 2 shall by no means lead to a general monitoring obligation.</u>		[deleted]
Article 27				
R 351	Article 27 Mitigation of risks	Article 27 Mitigation of risks	Article 27 Mitigation of risks	Article 27 Mitigation of risks Identical to the Presidency compromise presented on March 4th – WK 3057/2022
Article 27(1), introductory part				
R 352	1. Very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:	1. Very large online platforms shall put in place reasonable, <u>transparent</u> , proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:	1. Providers of very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26, with particular consideration to the impacts of such measures on fundamental rights . Such measures may include, where applicable:	1. Providers of very large online platforms shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26, with particular consideration to the impacts of such measures on fundamental rights . Such measures may include, where applicable:
Article 27(1), point (a)				

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353	(a) adapting content moderation or recommender systems, their decision-making processes, the features or functioning of their services, or their terms and conditions;	(a) adapting content moderation, <u>algorithmic systems</u> , or recommender systems <u>and online interfaces</u> , their decision-making processes, the <u>design, the</u> features or functioning of their services, <u>their advertising model</u> or their terms and conditions;	(a) adapting content moderation or recommender systems, their decision-making processes, [moved to point aa] the features or functioning of their services, or their terms and conditions and recommender systems ;	(a) adapting the <u>design</u> , features or functioning of their services, <u>including their online interfaces</u> ; (b) adapting their terms and conditions;
Article 27(1), point (aa)				
353a		<u>(aa) ensuring appropriate resources to deal with notices and internal complaints, including appropriate technical and operational measures or capacities</u> ;	(aa) adapting content moderation processes, including the speed and quality of processing notices related to specific types of illegal content and, where appropriate, the expeditious removal of or disabling access to the content notified, in particular for the majority of illegal hate speech; as well as adapting any relevant decision-making processes and dedicated resources for content moderation;	(c) adapting content moderation processes, including the speed and quality of processing notices related to specific types of illegal content and, where appropriate, the expeditious removal of or disabling access to the content notified, in particular for the majority of illegal hate speech; as well as adapting any relevant decision-making processes and dedicated resources for content moderation; (ca) <u>testing and</u> adapting their <u>algorithmic systems</u> , including their recommender systems;

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	Article 27(1), point (b)			
R 354	(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide;	(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide, <u>or the alternative placement and display of public service advertisements or other related factual information</u> ;	(b) targeted measures aimed at limiting the ~~display~~ presentation of advertisements in association with the service they provide;	(cb) <u>adapting their advertising system and adopting</u> targeted measures aimed at limiting <u>or adjusting</u> the presentation of advertisements in association with the service they provide ;
	Article 27(1), point (ba)			
R 354a		<u>(ba) where relevant, targeted measures aimed at adapting online interfaces and features to protect minors</u> ;		[in row 357b]
	Article 27(1), point (c)			
R 355	(c) reinforcing the internal processes or supervision of any of their activities in particular as regards detection of systemic risk;	(c) reinforcing the internal processes, <u>and resources, testing, documentation</u> , or supervision of any of their activities in particular as regards detection of systemic risk;	(c) reinforcing the internal processes or supervision of any of their activities in particular as regards detection of systemic risk;	(c) reinforcing the internal processes, <u>resources, testing, documentation</u> , or supervision of any of their activities in particular as regards detection of systemic risk;
	Article 27(1), point (d)			

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R	356	(d) initiating or adjusting cooperation with trusted flaggers in accordance with Article 19;	(d) initiating or adjusting cooperation with trusted flaggers in accordance with Article 19 and the implementation of the decision of out-of-court dispute settlement bodies pursuant to Article 18;	(d) initiating or adjusting cooperation with trusted flaggers in accordance with Article 19 and the implementation of the decisions of out-of-court dispute settlement bodies pursuant to Article 18;
	Article 27(1), point (e)			
R	357	(e) initiating or adjusting cooperation with other online platforms through the codes of conduct and the crisis protocols referred to in Article 35 and 37 respectively.	(e) initiating or adjusting cooperation with other providers of online platforms through the codes of conduct and the crisis protocols referred to in Article 35 and 37 respectively-;	(e) initiating or adjusting cooperation with other providers of online platforms through the codes of conduct and the crisis protocols referred to in Article 35 and 37 respectively-;
	Article 27(1), point (f)			
R	357a		(f) taking awareness-raising measures and adapting their online interface for increased user information;	(f) taking awareness-raising measures and adapting their online interface for increased user information;
	Article 27(1), point (g)			
R	357b		(g) taking targeted measures to protect the rights of the	(g) taking targeted measures to protect the rights of the child, including age verification and

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			child, including age verification and parental control tools, or tools aimed at helping minors signal abuse or obtain support, as appropriate.	parental control tools, tools aimed at helping minors signal abuse or obtain support, as appropriate. See article 30a compromise proposal <i>(i) providing an easy to use functionality which enables recipients of the service to indicate, when they provide an item of information, whether it constitutes a generated or manipulated image, audio or video that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful; and ensuring, subsequently, that such information is distinguishable through prominent markings when presented on their online interfaces;</i>
	Article 27(1a)			
R 357c		<i>1a. Very large online platforms shall, where appropriate, design their risk mitigation measures with the involvement of representatives of the recipients of the service, independent</i>		[In recital 59]

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		<u>experts and civil society organisations. Where no such involvement is foreseen, this shall be made clear in the transparency report referred to in Article 33.</u>		
	Article 27(1b)			
R	357d	<u>1b. Very large online platforms shall provide a detailed list of the risk mitigation measures taken and their justification to the independent auditors in order to prepare the audit report referred to in Article 28.</u>		[In article 33]
	Article 27(1c)			
R	357e	<u>1c. The Commission shall evaluate the implementation and effectiveness of mitigating measures undertaken by very large online platforms referred to in Article 27(1) and where necessary, may issue recommendations.</u>		[deleted]
	Article 27(2), introductory part			
R	358			

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	2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the following:	2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, ~~which~~ . <u>The reports</u> shall include the following:	2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the following:	2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year. <u>The reports</u> shall include the following:
	Article 27(2), point (a)			
359	(a) identification and assessment of the most prominent and recurrent systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;	(a) identification and assessment of the most prominent and recurrent systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with ~~Article~~ <u>Articles 30</u> , 31 and 33;	(a) identification and assessment of the most prominent and recurrent systemic risks reported by providers of very large online platforms or identified through other information sources, in particular those provided in compliance with Article 31 and 33;	(a) identification and assessment of the most prominent and recurrent systemic risks reported by providers of very large online platforms or identified through other information sources, in particular those provided in compliance with <u>Articles 30</u> , 31 and 33;
	Article 27(2), point (b)			
360	(b) best practices for very large online platforms to mitigate the systemic risks identified.	(b) best practices for very large online platforms to mitigate the systemic risks identified.	(b) best practices for providers of very large online platforms to mitigate the systemic risks identified.	(b) best practices for providers of very large online platforms to mitigate the systemic risks identified.
	Article 27(2a)			
360a				

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>2a. The reports shall be presented per Member State in which the systemic risks occurred and in the Union as a whole. The reports shall be published in all the official languages of the Member States of the Union.</u>		<u>The reports shall present systemic risks per Member State in which they occurred and in the Union as a whole, as applicable.</u>
	Article 27(3)			
R 361	3. The Commission, in cooperation with the Digital Services Coordinators, may issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.	3. The Commission, in cooperation with the Digital Services Coordinators, ~~may and~~ <u>following public consultation shall</u> issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. ~~When preparing those guidelines the Commission shall organise public consultations.~~	3. The Commission, in cooperation with the Digital Services Coordinators, may issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.	3. The Commission, in cooperation with the Digital Services Coordinators, may issue guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.
	Article 27(3a)			
R 361a				

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		<u>3a. The requirement to put in place mitigation measures shall not lead to a general monitoring obligation or active fact-finding obligations.</u>		[deleted]
Article 28				
362	Article 28 Independent audit	Article 28 Independent audit	Article 28 Independent audit	Article 28 Independent audit Identical to the Commission's services compromise presented on March 11th – WK3057/2022
Article 28(1), introductory part				
363	1. Very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the following:	1. Very large online platforms shall be subject, at their own expense and at least once a year, to <u>independent</u> audits to assess compliance with the following:	1. Providers of very large online platforms shall be subject, at their own expense and at least once a year, to audits to assess compliance with the following:	1. Providers of very large online platforms shall be subject, at their own expense and at least once a year, to <u>independent</u> audits to assess compliance with the following:
Article 28(1), point (a)				
364	(a) the obligations set out in Chapter III;	(a) the obligations set out in Chapter III;	(a) the obligations set out in Chapter III;	(a) the obligations set out in Chapter III;
Article 28(1), point (b)				

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G	365	(b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.	(b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.	(b) any commitments undertaken pursuant to the codes of conduct referred to in Articles 35 and 36 and the crisis protocols referred to in Article 37.
	Article 28(1a)			
Y	365a	<u>1a. Very large online platforms shall ensure auditors have access to all relevant data necessary to perform the audit properly.</u>		<u>1a. Providers of very large online platforms shall provide all cooperation with and assistance to the organisations carrying out the audits performed pursuant to this Article, as necessary to allow those organisations to conduct those audits in an effective, efficient and timely manner, including by giving them access to all relevant data and premises and by answering oral or written questions. They shall refrain from hampering, unduly influencing or undermining the performance of the audit.</u> <u>The organisations performing the audits shall, in respect of the information obtained from the providers of very large online platforms and third parties in the</u>

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				<u>context of the audits, ensure adequate confidentiality and professional secrecy, including after the termination of the audits. However, that obligation shall not affect the adequate performance of the audits and other provisions of this Regulation, in particular those on transparency, supervision and enforcement. Where necessary, the organisations shall also prepare versions of the audit report and the audit implementation report referred to in paragraphs 3 and 4 that do not contain any information that can reasonably be considered confidential, for the purpose of the transparency reporting pursuant to Article 33(2).</u>
	Article 28(2), introductory part			
366	2. Audits performed pursuant to paragraph 1 shall be performed by organisations which:	2. Audits performed pursuant to paragraph 1 shall be performed by organisations which <u>having been recognised and vetted by the Commission and which</u> :	2. Audits performed pursuant to paragraph 1 shall be performed according to best industry practices by organisations which:	2. Audits performed pursuant to paragraph 1 shall be performed according to best industry practices <u>and standards</u> by organisations which:

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 28(2), point (a)			
367	(a) are independent from the very large online platform concerned;	(a) are <u>legally and financially independent from, and do not have conflicts of interest with</u> the very large online platform concerned <u>and other very large online platforms</u> ;	(a) are independent from the provider of very large online platform platforms concerned;	(a) are independent from, <u>and do not have any conflicts of interest with</u> , the provider of very large online platform concerned <u>and any legal person connected to that provider and other providers of very large online platforms. In particular, the organisation performing the audit :</u>
	Article 28(2), point (aa)			
367a		<u>(aa) auditors and their employees have not provided any other service to the very large online platform audited 12 months before the audit and commit not to work for the very large online platform audited or a professional organisation or business association of which the platform is a member for 12 months after their position in the auditing organisation has ended;</u>		[Include as sub-paragraphs of point (a)] (aa) have not provided any non-audit services to the provider of very large online platform concerned and to and any legal person connected to that provider in the 12 months' period before the beginning of the audit and have committed to not providing them such services to], in the 12 months' period after the completion of the audit; (ab) have not provided any auditing services [pursuant to

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
				this article] to the provider of very large online platform concerned, and any legal person connected to that provider] during a period longer than [10] consecutive years; (ac) are not performing the audit against fees which are contingent on the opinion of the audit or the performance of any other service.
	Article 28(2), point (b)			
G	368	(b) have proven expertise in the area of risk management, technical competence and capabilities;	(b) have proven expertise in the area of risk management, technical competence and capabilities;	(b) have proven expertise in the area of risk management, technical competence and capabilities;
	Article 28(2), point (c)			
G	369	(c) have proven objectivity and professional ethics, based in particular on adherence to codes of practice or appropriate standards.	(c) have proven objectivity and professional ethics, based in particular on adherence to codes of practice or appropriate standards.	(c) have proven objectivity and professional ethics, based in particular on adherence to codes of practice or appropriate standards.
	Article 28(3), introductory part			
Y	370			

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	elements audited, and the methodology applied;	elements audited, and the methodology applied;	elements audited, and the methodology applied;	elements audited, and the methodology applied;
	Article 28(3), point (d)			
Y	374 (d) a description of the main findings drawn from the audit;	(d) a description of the main findings drawn from the audit <u>and a summary of the main findings</u> ;	(d) a description of the main findings drawn from the audit;	(d) a description <u>and a summary</u> of the main findings drawn from the audit;
	Article 28(3), point (da)			
G	374a	<u>(da) a description of the third parties consulted as part of the audit;</u>		<u>(da) a list of the third parties consulted as part of the audit, where applicable;</u>
	Article 28(3), point (e)			
G	375 (e) an audit opinion on whether the very large online platform subject to the audit complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;	(e) an audit opinion on whether the very large online platform subject to the audit complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;	(e) an audit opinion on whether the provider of the very large online platform subject to the audit complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;	(e) an audit opinion on whether the provider of the very large online platform subject to the audit complied with the obligations and with the commitments referred to in paragraph 1, either positive, positive with comments or negative;
	Article 28(3), point (f)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
Y	376	(f) where the audit opinion is not positive, operational recommendations on specific measures to achieve compliance.	(f) where the audit opinion is not positive, operational recommendations on specific measures to achieve compliance and the expected timeframe to achieve compliance.	(f) where the audit opinion is not positive, operational recommendations on specific measures to achieve compliance and the recommended timeframe to achieve compliance.
	Article 28(3), point (fa)			
Y	376a		<u>(fa) a description of specific elements that could not be audited, and an explanation of why these could not be audited;</u>	<u>3a. If the organisation performing the audit was unable to audit certain specific elements or to reach an opinion based on its investigations, it shall include in the audit report a disclaimer of opinion explaining the circumstances and reasons.</u>
	Article 28(3), point (fb)			
Y	376b		<u>(fb) where the audit opinion could not reach a conclusion for specific elements within the scope of the audit, a statement of reasons for the failure to reach such conclusion.</u>	[see row 367a]
	Article 28(4)			
G	377	4. Very large online platforms	4. Very large online platforms	4. Providers of very large online

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.	receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.	online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they may have taken to address any instances of non-compliance identified.	platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not implement the operational recommendations, they shall justify in the audit implementation report the reasons for not doing so and set out any alternative measures they have taken to address any instances of non-compliance identified.
	Article 28(4a)			
377a		<u>4a. The Commission shall publish and regularly update a list of vetted organisations.</u>		<u>The Commission shall be empowered to adopt delegated acts in accordance with Article 69 to supplement this Regulation by laying down the necessary detailed rules for the performance of the audits pursuant to this Article, in particular as regards the</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
				<u>necessary detailed rules on the procedural steps, auditing methodologies and reporting templates for the audits performed pursuant to this Article. Those delegated acts shall take account of any voluntary auditing standards referred to in Article 34(1), point (d).</u>
	Article 28(4b)			
Y	377b	<u>4b. Where a very large online platform receives a positive audit report, it shall be entitled to request from the Commission a seal of excellence.</u>		[deleted]
	Article 29			
R	378 Article 29 Recommender systems	Article 29 Recommender systems	Article 29 Recommender systems	Article 29 Recommender systems Not in the revised mandate – compromise still under scrutiny –
	Article 29(1)			
R	379			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	1. Very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.	1. <u>In addition to the requirements set out in Article 24a</u>, very large online platforms that use recommender systems shall ~~set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems~~ <u>provide at least one recommender system which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679</u>, as well as ~~any options for the recipients of the service to modify or influence those main parameters that they may have made available, including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679~~ <u>an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them</u>.	1. Providers of very large online platforms that use recommender systems shall set out in their terms and conditions, in a clear, accessible and easily comprehensible manner, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters that they ~~may~~ have made available, including at least one option which is not based on profiling, ~~within the meaning of~~ as defined in Article 4(4)4(4) of Regulation (EU) 2016/679. Providers of very large online platforms shall also make this information directly and easily accessible on the specific section of the online interface where the information is being prioritised according to the recommender system.	Not in the revised mandate – compromise still under scrutiny –

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 29(2)			
R 380	2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.	~~2. Where several options are available pursuant to paragraph 1, very large online platforms shall provide an easily accessible functionality on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.~~	2. Where several options are available pursuant to paragraph 1, providers of very large online platforms shall provide ~~an a~~ directly and easily accessible functionality on their online interface where the information is prioritised , allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.	Not in the revised mandate – compromise still under scrutiny –
	Article 29(3)			
R 380a			3. When presenting options pursuant to this Article, providers of very large online platforms shall not seek to subvert or impair the autonomy, decision-making, or choice of the recipient of the service through the design, structure, function or manner of operating of their online	Not in the revised mandate – compromise still under scrutiny –

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			interface.	
	Article 30			
G	381 Article 30 Additional online advertising transparency	Article 30 Additional online advertising transparency	Article 30 Additional online advertising transparency	Article 30 Additional online advertising transparency Identical to the Commission's services compromise presented on March 11th – WK 3057/2022 – minor modifications were made in rom 384
	Article 30(1)			
Y	382 1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed.	1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available <u>and searchable through easy to access, efficient and reliable tools</u> through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was displayed for the last time on their online interfaces. They shall ensure that <u>multicriterion queries can be performed per advertiser and per all data points present in the</u>	1. Providers of very large online platforms that ~~display~~ present advertising on their online interfaces shall compile and make publicly available in a specific section of their online interface and through application programming interfaces a repository containing the information referred to in paragraph 2, until one year after the advertisement was ~~displayed~~ presented for the last time on their online interfaces. They shall ensure that the	1. Providers of very large online platforms that present advertising on their online interfaces shall compile and make publicly available in a specific section of their online interface, <u>through a searchable and reliable tool that allows multicriteria queries, and</u> through application programming interfaces, a repository containing the information referred to in paragraph 2, until one year after the advertisement was presented for the last time on their online interfaces. They shall ensure that the repository does not contain

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>advertisement, the target of the advertisement, and the audience the advertiser wishes to reach.</u> <u>They shall ensure that</u> the repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed <u>and shall make reasonable efforts to ensure that the information is accurate and complete.</u>	repository does not contain any personal data of the recipients of the service to whom the advertisement was or could have been displayed ~~presented~~ .	any personal data of the recipients of the service to whom the advertisement was or could have been <u>presented and shall make reasonable efforts to ensure that the information is accurate and complete.</u>
Article 30(2), introductory part				
383	2. The repository shall include at least all of the following information:	2. The repository shall include at least all of the following information:	2. The repository shall include at least all of the following information:	2. The repository shall include at least all of the following information:
Article 30(2), point (a)				
384	(a) the content of the advertisement;	(a) the content of the advertisement, <u>including the name of the product, service or brand and the object of the advertisement;</u>	(a) the content of the advertisement, including the name of the product, service or brand and the subject matter of the advertisement;	(a) the content of the advertisement, including the name of the product, service or brand and, <u>as applicable</u> the subject matter of the advertisement; PCY compromise to revert to subject matter instead of object as proposed in Commission's services

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	parameters used for that purpose;	parameters used for that purpose <u>including any parameters used to exclude particular groups</u> ;	so, the main parameters used for that purpose;	parameters used for that purpose <u>including where applicable the main parameters used to exclude one or more of such particular groups</u> ;
	Article 30(2), point (da)			
Y 387a		<u>(da) where it is disclosed, a copy of the content of commercial communications published on the very large online platforms that are not marketed, sold or arranged by the very large online platform, which have through appropriate channels been declared as such to the very large online platform;</u>		<u>(da) the commercial communications published on the very large online platforms and identified pursuant to Article 24(3).</u>
	Article 30(2), point (e)			
Y 388	(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.	(e) the total number of recipients of the service reached and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.	(e) the total number of recipients of the service reached and, where applicable, aggregate numbers in each Member State for the group or groups of recipients to whom the advertisement was targeted specifically.	(e) the total number of recipients of the service reached and, where applicable, aggregate numbers in each Member State for the group or groups of recipients to whom the advertisement was targeted specifically.
	Article 30(2), point (ea)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
Y	388a	<u>(ea) cases where the advertisement was removed on the basis of a notice submitted in accordance with Article 14 or an order issued pursuant to Article 8.</u>		<u>As regards points (a), [(b) and (ba)] of the first subparagraph, where a provider of very large online platforms removed or disabled access to a specific advertisement based on alleged illegality or incompatibility with its terms and conditions, the repository shall not include the information referred to in those points. In that case, the repository shall include, for the specific advertisement concerned, the information referred to in, as applicable, Article 15(2) points (a) to (e) or Article 8(2) point (a) (i).</u>
	Article 30(2a)			
Y	388b	<u>2a The Board shall, after consulting vetted researchers, publish guidelines on the structure and organisation on repositories created pursuant to paragraph 1.</u>		<u>2a. The Commission may, after consultation of the Board, relevant vetted researchers as referred to in Article 31 and the public, issue guidelines on the structure, organisation and functionalities of the repositories referred to in this Article.</u>
	Article 30a			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
Y	388c	<u>Article 30a</u> <u>Deep fakes</u>		<u>Article 30a</u> <u>Deep fakes</u> Identical to the Commission's services compromise presented on March 11th – WK 2987/2022
	Article 30a(1)			
Y	388d	<u>Where a very large online platform becomes aware that a piece of content is a generated or manipulated image, audio or video content that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful (deep fakes), the provider shall label the content in a way that informs that the content is inauthentic and that is clearly visible for the recipient of the services.</u>		In article 27(1), add sub-paragraph: <u>(ba) providing an easy to use functionality which enables recipients of the service to indicate, when they provide an item of information, whether it constitutes a generated or manipulated image, audio or video that appreciably resembles existing persons, objects, places or other entities or events and falsely appears to a person to be authentic or truthful; and ensuring, subsequently, that such information is distinguishable through prominent markings when presented on their online interfaces;</u>
	Article 31			
G	389	Article 31	Article 31	Article 31

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Data access and scrutiny	Data access and scrutiny	Data access and scrutiny	Data access and scrutiny Not in the revised mandate – compromise still under scrutiny and identical to the compromise presented by the Presidency on March 22 nd WK 4154/2022
	Article 31(1)			
390	1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes.	1. Very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, <u>and without delay</u> specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only <u>request, access and</u> use that data for those purposes.	1. Providers of very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation. ~~That Digital Services Coordinator and the Commission shall only use that data for those purposes.~~	1. Providers of very large online platforms shall provide the Digital Services Coordinator of establishment or the Commission, upon their reasoned request and within a reasonable period, specified in the request, access to data that are necessary to monitor and assess compliance with this Regulation.
	Article 31(1a)			
390a		<u>1a. The very large online platform shall be obliged to explain the design, logic and the</u>	1a. Digital Services Coordinators and the Commission shall use that data	1a. Digital Services Coordinators and the Commission shall use that data

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>functioning of the algorithms if requested by the Digital Service Coordinator of establishment.</u>	accessed pursuant to paragraph 1 only for the purpose of monitoring and assessing compliance with this Regulation and shall take due account of the rights and interests of the providers of very large online platforms and the recipients of the service concerned, including the protection of personal data, the protection of confidential information, in particular trade secrets, and maintaining the security of their service.	accessed pursuant to paragraph 1 only for the purpose of monitoring and assessing compliance with this Regulation and shall take due account of the rights and interests of the providers of very large online platforms and the recipients of the service concerned, including the protection of personal data, the protection of confidential information, in particular trade secrets, and maintaining the security of their service. <u>1a. Providers of very large online platform shall, upon request from the Digital Service Coordinator of establishment or from the Commission, explain the design, logic and the functioning of their algorithmic systems including their recommender systems.</u>
	Article 31(2)			
391	2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as	2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as	2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, providers of very large online platforms shall,	2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, providers of very large online platforms shall,

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification and understanding of systemic risks as set out in Article 26(1).	specified in the request, provide access to data to vetted researchers, <u>vetted not-for-profit bodies, organisations or associations</u>, who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification, <u>mitigation</u> and understanding of systemic risks as set out in Article 26(1) <u>and Article 27(1)</u>.	within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the detection, identification and understanding of systemic risks in the Union, as set out ~~in~~ pursuant to Article 26(1), including as regards the adequacy, efficiency and impacts of the risk mitigation measures pursuant to Article 27.	within a reasonable period, as specified in the request, provide access to data to vetted researchers who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the detection, identification and understanding of systemic risks in the Union, as set out ~~in~~ pursuant to Article 26(1), as well as regards the adequacy, efficiency and impacts of the risk mitigation measures pursuant to Article 27. [PCY proposal for a recital to include row 391a of the EP mandate: <u>Where possible, this data should include, the number of views or, where relevant, other types of access to content by recipients of the service prior to its removal by the provider of very large online platform either pursuant to an order issued by the relevant national judicial or administrative authorities, or on the basis of other content moderation measures</u>

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 31(2a), introductory part			
391a	6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons: Moved reference text	~~62a. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:~~ <u>Vetted researchers, vetted not-for-profit bodies, organisations and associations shall have access to aggregate numbers for the total views and view rate of content prior to a removal on the basis of orders issued in accordance with Article 8 or content moderation engaged in at the provider's own initiative and under its terms and conditions.</u>	62a. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a 2, providers of very large online ~~platform~~platforms may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:	~~62a.~~ Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a 2, providers of very large online ~~platform~~platforms may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:
	Article 31(2a), point (a)			
391b	(a) it does not have access to the data;		(a) it does not have access to the data;	(a) it does not have access to the data;

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Moved reference text			
	Article 31(2a), point (b)			
391c	(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets. Moved reference text		(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.	(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.
	Article 31(7), introductory part			
391d	7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request. Moved reference text		72b. Requests for amendment pursuant to ~~point (b) of~~ paragraph ~~62a~~ shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.	72b. Requests for amendment pursuant to ~~point (b) of~~ paragraph ~~62a~~ shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.
	Article 31(7), first paragraph			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
Y	391e The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request. Moved reference text		The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the provider of very large online ~~platform~~platforms its decision and, where relevant, the amended request and the new time period to comply with the request.	The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the provider of very large online ~~platform~~platforms its decision and, where relevant, the amended request and the new time period to comply with the request.
	Article 31(3)			
Y	392 3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate.	3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate, <u>and with an easily accessible and user-friendly mechanism to search for multiple criteria.</u>	3. Providers of very large online platforms shall facilitate and provide access to data pursuant to paragraphs 1 and 2 through appropriate interfaces specified in the request, including online databases or application programming interfaces, ~~as appropriate.~~	3. Providers of very large online platforms shall facilitate and provide access to data pursuant to paragraphs 1 and 2 through appropriate interfaces specified in the request, including online databases or application programming interfaces, ~~as appropriate.~~
	Article 31(4), introductory part			
Y	392a		4. Upon a duly substantiated application from researchers,	4. Upon a duly substantiated application from researchers,

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			the Digital Services Coordinator of establishment shall award them status of vetted researchers and issue data access requests pursuant to paragraph 2, where the researchers demonstrate that they meet all of the following conditions:	the Digital Services Coordinator of establishment shall award them status of vetted researchers and issue data access requests pursuant to paragraph 2, where the researchers demonstrate that they meet all of the following conditions:
	Article 31(4), point(a)			
Y	392b		(a) they are affiliated to a research organisation as defined in Article 2 (1) of Directive (EU) 2019/790 of the European Parliament and of the Council ;	(a) they are affiliated to a research organisation as defined in Article 2 (1) of Directive (EU) 2019/790 of the European Parliament and of the Council ;
	Article 31(4), point (b)			
Y	392c		(b) they are independent from commercial interests;	(b) they are independent from commercial interests; <u>(ba) the application submitted by the researchers <i>discloses the funding financing their research</i></u> ;
	Article 31(3b), point (b)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
Y	392d		(c) they are in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request and to protect personal data, and they describe in their request the appropriate technical and organisational measures they put in place to this end;	(c) they are in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request and to protect personal data, and they describe in their request the appropriate technical and organisational measures they put in place to this end;
	Article 31(3b), point (c)			
Y	392e		(d) the application submitted by the researchers justifies the necessity and proportionality for the purpose of their research of the data requested and the timeframes within which they request access to the data, and they demonstrate the contribution of the expected research results to the purposes laid down in paragraph 2;	(d) the application submitted by the researchers justifies the necessity and proportionality for the purpose of their research of the data requested and the timeframes within which they request access to the data, and they demonstrate the contribution of the expected research results to the purposes laid down in paragraph 2;
	Article 31(3b), point (d)			
Y	392f		(e) the planned research	(e) the planned research

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			activities will be carried out for the purposes laid down in paragraph 2;	activities will be carried out for the purposes laid down in paragraph 2;
	Article 31(3b), point (e)			
Y	392g		(f) they carry their activities according to the procedures laid down in delegated acts referred to in paragraph 5;	(f) they carry their activities according to the procedures laid down in delegated acts referred to in paragraph 5;
	Article 31(3b), point (f)			
Y	392h		(g) they have not already filed the same application with the Digital Services Coordinator.	(g) they have not already filed the same application with the Digital Services Coordinator.
	Article 31(3b), point (g)			
Y	392i		Upon receipt of the application pursuant to this paragraph, the Digital Services Coordinator of establishment shall inform the Commission and the Board.	Upon receipt of the application pursuant to this paragraph, the Digital Services Coordinator of establishment shall inform the Commission and the Board.
	Article 31(4-a),			
Y	392j			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			4-a. Researchers may also submit their application to the Digital Services Coordinator of the Member State of the research organisation to which they are affiliated. Upon receipt of the application pursuant to this paragraph the Digital Services Coordinator shall conduct an initial assessment whether the respective researchers meet all of the conditions set out in paragraph 4 and subsequently send the application, together with the supporting documents submitted by the respective researchers and the initial assessment, to the Digital Services Coordinator of establishment.	4-a. Researchers may also submit their application to the Digital Services Coordinator of the Member State of the research organisation to which they are affiliated. Upon receipt of the application pursuant to this paragraph the Digital Services Coordinator shall conduct an initial assessment whether the respective researchers meet all of the conditions set out in paragraph 4 and subsequently send the application, together with the supporting documents submitted by the respective researchers and the initial assessment, to the Digital Services Coordinator of establishment.
	Article 31(4-a), first paragraph			
392k			While taking due account of the provided initial assessment, the final decision to award a researcher the status of vetted researcher lies within the competence of Digital Services Coordinator of establishment,	While taking due account of the provided initial assessment, the final decision to award a researcher the status of vetted researcher lies within the competence of Digital Services Coordinator of establishment,

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			pursuant to paragraph 4.	pursuant to paragraph 4.
	Article 31(4a)			
Y	392l		4a. The Digital Services Coordinator that awarded the status of vetted researcher and issued the access request in favour of a vetted researcher shall issue a decision terminating the access if it determines, following an investigation either on its own initiative or on the basis of information received from third parties, that the vetted researcher no longer meets the conditions set out in paragraph 4. Before terminating the access, the Digital Services Coordinator shall allow the vetted researcher to react to the findings of its investigation and its intention to terminate the access.	4a. The Digital Services Coordinator that awarded the status of vetted researcher and issued the access request in favour of a vetted researcher shall issue a decision terminating the access if it determines, following an investigation either on its own initiative or on the basis of information received from third parties, that the vetted researcher no longer meets the conditions set out in paragraph 4 <u>and shall inform the concerned provider of very large online platform</u> . Before terminating the access, the Digital Services Coordinator shall allow the vetted researcher to react to the findings of its investigation and its intention to terminate the access.
	Article 31(4b)			
Y	392m			Y

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			4b. Digital Services Coordinators shall communicate to the Board the names and contact information of the natural persons or entities to which they have awarded the status of the vetted researcher as well as the purpose of the research underpinning the request in accordance with paragraph 4 or that they have terminated it in accordance with paragraph 4a.	4b. Digital Services Coordinators shall communicate to the Board the names and contact information of the natural persons or entities to which they have awarded the status of the vetted researcher as well as the purpose of the research underpinning the request in accordance with paragraph 4 or that they have terminated it in accordance with paragraph 4a.
	Article 31(4c)			
392n			4c. Providers of very large online platforms shall not restrict or prevent in any way access to data publicly accessible in their online interface for researchers who comply with the conditions set in points a), b), c) and d) of paragraph 4 and who use the data solely for performing research that contributes to the detection, identification and understanding of systemic risks in the Union as set out	4c. Providers of very large online platforms shall not restrict or prevent in any way access to data publicly accessible in their online interface for researchers who comply with the conditions set in points a), b), c) and d) of paragraph 4 and who use the data solely for performing research that contributes to the detection, identification and understanding of systemic risks in the Union as set out pursuant

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			pursuant to Article 26(1).	to Article 26(1).
	Article 31(4d)			
Y	392o		4d. Upon completion of the research envisaged in paragraphs 2 and 4, the vetted researchers shall make their research results publicly available free of charge, taking into account the rights and interests of the recipients of the service concerned in compliance with Regulation (EU) 2016/679.	4d. Upon completion of the research envisaged in paragraphs 2 and 4, the vetted researchers shall make their research results publicly available free of charge, taking into account the rights and interests of the recipients of the service concerned in compliance with Regulation (EU) 2016/679.
	Article 31(4)			
Y	393	4. In order to be vetted, researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.	4. In order to be vetted <u>by the Digital Services Coordinator of establishment or the Commission</u> , researchers, <u>not-for-profit bodies, organisations or associations shall:</u> <u>(a) -shall</u> be affiliated with academic institutions, <u>or civil society organisations representing the public interest and meeting the requirements under Article 68;</u>	4. <u>In order to be vetted,</u> researchers shall be affiliated with academic institutions, be independent from commercial interests, have proven records of expertise in the fields related to the risks investigated or related research methodologies, and shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to
				[partially amended and moved to paragraphs 4a, 4b and 4c]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>(b) be independent from commercial interests, <i>including from any very large online platform;</i></u> <u>(c) disclose the funding financing the research;</u> <u>(d) be independent from any government, administrative or other state bodies, outside the academic institution of affiliation if public;</u> <u>(e) have proven records of expertise in the fields related to the risks investigated or related research methodologies, ~~and shall commit and be in a capacity to ;~~ and</u> <u>(f) preserve the specific data security and confidentiality requirements corresponding to each request.</u>	each request. [amended and moved to paragraphs 4a, 4b and 4c]	
	Article 31(4a)			
Y 393a		<u>4a. Where a very large online platform has grounds to believe that a researcher, a not-for-profit body, an organisation or association is acting outside the purpose of paragraph 2 or no longer respects the conditions of</u>		[deleted]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>paragraph 4, it shall immediately inform the relevant authority, either the Digital Service Coordinator of establishment or the Commission, which shall decide without undue delay if access shall be withdrawn and when the access shall be restored and under what conditions.</u>		
	Article 31(4b)			
Y 393b		<u>4b. Where the Digital Services Coordinator of establishment, or the Commission have grounds to believe that a researcher, a not-for-profit body, an organisation or association is acting outside the purpose of paragraph 2 or no longer respects the conditions of paragraph 4, it shall immediately inform the very large online platform. The very large online platform shall be entitled to withdraw access to data upon receiving the information. The Digital Services Coordinator of establishment, or the Commission shall decide if and when access shall be restored and under what conditions.</u>		[see proposal in row 392 I]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 31(5)			
394	5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service.	5. The Commission shall, after consulting the Board, <u>and no later than one year after entry into force of this legislation</u>, adopt delegated acts laying down the technical conditions under which very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions under which such sharing of data with vetted researchers <u>or not-for-profit bodies, organisations or associations</u> can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the very large online platforms and the recipients of the service concerned, including the protection of confidential information, ~~in particular trade secrets~~, and maintaining the security of their service.	5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which providers of very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions and relevant objective indicators, as well as procedures under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the providers of very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service. Those delegated acts shall also lay down the conditions for access	5. The Commission shall, after consulting the Board, adopt delegated acts laying down the technical conditions under which providers of very large online platforms are to share data pursuant to paragraphs 1 and 2 and the purposes for which the data may be used. Those delegated acts shall lay down the specific conditions and relevant objective indicators, as well as procedures under which such sharing of data with vetted researchers can take place in compliance with Regulation (EU) 2016/679, taking into account the rights and interests of the providers of very large online platforms and the recipients of the service concerned, including the protection of confidential information, in particular trade secrets, and maintaining the security of their service. Those delegated acts shall also lay down the conditions for access to the database referred to in

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			to the database referred to in Article 23(2a).	Article 23(2a).
	Article 31(6), introductory part-moved to paragraph 2a			
Y	395 6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:	6. Within 15 days following receipt of a request as referred to in paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:	~~6. Within 15 days following receipt of a request as referred to in~~ ~~in~~ moved to new paragraph 1 and 2, a very large online platform may request the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:2a]	[Moved to row 391a]
	Article 31(6), introductory part-moved to paragraph 2a, point (a)			
Y	396 (a) it does not have access to the data;	(a) it does not have access to the data;	(a)	[Moved to row 391a]
	Article 31(6), introductory part-moved to paragraph 2a, point (b)			
Y	397 (b) giving access to the data will lead to significant vulnerabilities for the security of its service or the	(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the	(b)	[Moved to row 391a]

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	protection of confidential information, in particular trade secrets.	protection of confidential information, ~~in particular trade secrets~~ .		
	Article 31(7), introductory part- moved to paragraph 2b			
398	7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.	7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.	~~7. Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.~~ 2b]	[Moved to row 391d]
	Article 31(7), introductory part- moved to paragraph 2b, first paragraph			
399	The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.	The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.	~~The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.~~	[Moved to row 391e]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 31(7a)			
Y	399a	<u>7a. Digital Service Coordinators and the Commission shall, once a year, report the following information:</u> <u>(a) the number of requests made to them as referred to in paragraphs 1, 2 and 6;</u> <u>(b) the number of such requests that have been declined or withdrawn by the Digital Service Coordinator or the Commission and the reasons for which they have been declined or withdrawn, including following a request to the Digital Service Coordinator or the Commission from a very large online platform to amend a request as referred to in paragraphs 1, 2 and 6.</u>		[deleted]
	Article 31(7b)			
Y	399b	<u>7b. Upon completion of their research, the vetted researchers that have been granted access to data shall publish their findings without disclosing confidential data and in compliance with</u>		[deleted - Already in row 392o of the GA]

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
		<u>Regulation (EU) 2016/679.</u>		
	Article 32			
Y	400	Article 32 Compliance officers	Article 32 Compliance officers	Article 32 Compliance officersfunction Identical to the General Approach
	Article 32(1)			
Y	401	1. Very large online platforms shall appoint one or more compliance officers responsible for monitoring their compliance with this Regulation.	1. Providers of very large online platforms shall ~~appoint~~ establish a compliance function which is independent from the operational functions and composed of one or more compliance officers, including the head of the compliance function. ~~The responsible for monitoring their compliance~~ function shall have sufficient authority, stature and resources, as well as access to the management body of the provider of the very large online platform to monitor the compliance of that provider with this Regulation.	1. Providers of very large online platforms shall ~~appoint~~ establish a compliance function which is independent from the operational functions and composed of one or more compliance officers, including the head of the compliance function. ~~The responsible for monitoring their compliance~~ function shall have sufficient authority, stature and resources, as well as access to the management body of the provider of the very large online platform to monitor the compliance of that provider with this Regulation.
	Article 32(2)			

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

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			the management body of the provider of very large online platform, independent from senior management, and can raise concerns and warn that body where risks referred to in Article 26 or non-compliance with this Regulation affect or may affect the provider of very large online platform concerned, without prejudice to the responsibilities of the management body in its supervisory and managerial functions.	the management body of the provider of very large online platform, independent from senior management, and can raise concerns and warn that body where risks referred to in Article 26 or non-compliance with this Regulation affect or may affect the provider of very large online platform concerned, without prejudice to the responsibilities of the management body in its supervisory and managerial functions.
	Article 32(2) third paragraph			
Y	402c		The head of the compliance function shall not be removed without prior approval of the management body of the provider of very large online platform.	The head of the compliance function shall not be removed without prior approval of the management body of the provider of very large online platform.
	Article 32(3), introductory part			
G	403	3. Compliance officers shall have the following tasks:	3. Compliance officers shall have the following tasks:	3. Compliance officers shall have the following tasks:

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 32(3), point (a)			
Y	404	(a) cooperating with the Digital Services Coordinator of establishment and the Commission for the purpose of this Regulation;	(a) cooperating with the Digital Services Coordinator of establishment and the Commission for the purpose of this Regulation;	(a) cooperating with the Digital Services Coordinator of establishment and the Commission for the purpose of this Regulation;
	Article 32(3), point (aa)			
Y	404a		(aa) ensuring that all risks referred to in Article 26 are identified and properly reported on and that reasonable, proportionate and effective risk mitigation measures are taken pursuant to Article 27;	(aa) ensuring that all risks referred to in Article 26 are identified and properly reported on and that reasonable, proportionate and effective risk mitigation measures are taken pursuant to Article 27;
	Article 32(3), point (b)			
Y	405	(b) organising and supervising the very large online platform's activities relating to the independent audit pursuant to Article 28;	(b) organising and supervising the activities of the provider of the very large online platform's activities relating to the independent audit pursuant to Article 28;	(b) organising and supervising the activities of the provider of the very large online platform's activities relating to the independent audit pursuant to Article 28;
	Article 32(3), point (c)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
G	406	(c) informing and advising the management and employees of the very large online platform about relevant obligations under this Regulation;	(c) informing and advising the management and employees of the provider of the very large online platform about relevant obligations under this Regulation;	(c) informing and advising the management and employees of the provider of the very large online platform about relevant obligations under this Regulation;
	Article 32(3), point (d)			
Y	407	(d) monitoring the very large online platform's compliance with its obligations under this Regulation.	(d) monitoring the compliance of the provider of the very large online platform's ~~compliance~~ with its obligations under this Regulation-;	(d) monitoring the compliance of the provider of the very large online platform's ~~compliance~~ with its obligations under this Regulation-;
	Article 32(3), point (e)			
Y	407a		(e) where applicable, monitoring compliance of the provider of the very large online platform with commitments made under the codes of conduct pursuant to Articles 35 and 36 or the crisis protocols pursuant to Article 37.	(e) where applicable, monitoring compliance of the provider of the very large online platform with commitments made under the codes of conduct pursuant to Articles 35 and 36 or the crisis protocols pursuant to Article 37.
	Article 32(4)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
Y	408	4. Very large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.	~~4. Very large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.~~	~~4. Very large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.~~
Article 32(5)				
Y	409	5. Very large online platforms shall communicate the name and contact details of the compliance officer to the Digital Services Coordinator of establishment and the Commission.	5. Providers of very large online platforms shall communicate the name and contact details of the compliance ~~officer~~ officers in the compliance function to the Digital Services Coordinator of establishment and the Commission.	5. Providers of very large online platforms shall communicate the name and contact details of the compliance ~~officer~~ officers in the compliance function to the Digital Services Coordinator of establishment and the Commission.
Article 32(6)				
Y	410	6. Very large online platforms shall support the compliance officer in the performance of his or her tasks and provide him or her with the resources necessary to adequately carry out those tasks. The compliance officer shall directly report to the highest management level of the platform.	6. The management body of the provider of very large online ~~platforms~~ platform shall support the compliance officer in the performance of his or her tasks and provide him or her with the resources necessary to adequately carry out those tasks. The compliance officer shall	6. The management body of the provider of very large online ~~platforms~~ platform shall support the compliance officer in the performance of his or her tasks and provide him or her with the resources necessary to adequately carry out those tasks. The compliance officer shall directly

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
			directly report to the highest management level of the platform, define, oversee and be accountable for the implementation of the provider's governance arrangements that ensure independence of the compliance function, including the segregation of duties in the organisation of the provider of very large online platform, the prevention of conflicts of interest, and sound management of systemic risks identified pursuant to Article 26.	report to the highest management level of the platform, define, oversee and be accountable for the implementation of the provider's governance arrangements that ensure independence of the compliance function, including the segregation of duties in the organisation of the provider of very large online platform, the prevention of conflicts of interest, and sound management of systemic risks identified pursuant to Article 26.
	Article 32(7)			
410a			7. The management body shall approve and review periodically, at least once a year, the strategies and policies for taking up, managing, monitoring and mitigating the risks identified pursuant to Article 26 to which the very large online platform is or may be exposed to.	7. The management body shall approve and review periodically, at least once a year, the strategies and policies for taking up, managing, monitoring and mitigating the risks identified pursuant to Article 26 to which the very large online platform is or may be exposed to.

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	Article 32(8)			
Y	410b		8. The management body shall devote sufficient time to the consideration of the measures related to risk management. It shall be actively involved in the decisions related to risk management and ensure that adequate resources are allocated to the management of the risks identified pursuant to Article 26.	8. The management body shall devote sufficient time to the consideration of the measures related to risk management. It shall be actively involved in the decisions related to risk management and ensure that adequate resources are allocated to the management of the risks identified pursuant to Article 26.
	Article 33			
G	411	Article 33 Transparency reporting obligations for very large online platforms	Article 33 Transparency reporting obligations for very large online platforms	Article 33 Transparency reporting obligations for providers of very large online platforms Identical to Commission's services compromise presented on March, 4 th - WK 2987/2022
	Article 33(1)			
G	412	1. Very large online platforms shall publish the reports referred to in Article 13 within six months	1. Very large online platforms shall publish the reports referred to in Article 13 within six months	1. Providers of very large online platforms shall publish the reports referred to in Article 13 within six

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	from the date of application referred to in Article 25(4), and thereafter every six months.	from the date of application referred to in Article 25(4), and thereafter every six months <u>in a standardised, machine-readable and easily accessible format.</u>	including the information referred to in Article 23 , within six months from the date of application referred to in Article 25(4)25(6), and thereafter every six months.	months from the date of application referred to in <u>Article 25(4)25(6)</u> , and thereafter every six months.
	Article 33(1a)			
412a		<u>1a. Such reports shall include content moderation information separated and presented for each Member State in which the services are offered and for the Union as a whole. The reports shall be published in at least one of the official languages of the Member States of the Union in which services are offered.</u>	1a. The reports pursuant to paragraph 1 of this Article shall also detail the human resources dedicated by the provider of very large online platforms to content moderation, including those dedicated to compliance with obligations pursuant to Articles 14 and 19, and processing complaints pursuant to Article 17 and shall specify the specialist and linguistic expertise of the staff, as well as the training and support given to such staff.	<u>1a. The reports referred to in paragraph 1 shall :</u> (a) <u>include the information referred to in Article 23;</u> (b) <u>specify the human resources that the provider of very large online platforms dedicates to content moderation, including those dedicated to compliance with the obligations set out in Articles 14 and 19, and to processing of complaints in accordance with Article 17;</u> (c) <u>specify the specialist qualifications and linguistic expertise of the staff concerned, as well as the training and support given to such staff; Where relevant, the information in those reports shall be broken down by the language of the content.</u>

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				<u><i>The reports shall be published in at least one of the official languages of the Union.</i></u>
	Article 33(1b)			
412b			1b. In addition to the information referred to in Articles 23(2), the providers of very large online platforms shall include in the reports referred to in that Article also the information on the average monthly recipients of the service for each Member State.	1b. In addition to the information referred to in Articles 23(2), the providers of very large online platforms shall include in the reports referred to in that Article also the information on the average monthly recipients of the service for each Member State.
	Article 33(2), introductory part			
413	2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):	2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the adoption of the audit implementing report provided for in Article 28(4):	2. In addition to the reports provided for in Article 13 , including the information referred to in Article 23, providers of very large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, at least once a year and within 30 days following the	2. <u><i>Providers of</i></u> very large online platforms shall make publicly available and transmit to the Digital Services Coordinator of establishment and the Commission, <u><i>at the latest three months after the receipt of each audit report pursuant to Article 28(3):</i></u>

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			adoption of the audit implementing report provided for in Article 28(4):	
	Article 33(2), point (a)			
G 414	(a) a report setting out the results of the risk assessment pursuant to Article 26;	(a) a report setting out the results of the risk assessment pursuant to Article 26;	(a) a report setting out the results of the risk assessment pursuant to Article 26;	(a) a report setting out the results of the risk assessment pursuant to Article 26;
	Article 33(2), point (b)			
G 415	(b) the related risk mitigation measures identified and implemented pursuant to Article 27;	(b) the ~~related-risk~~ <u>specific</u> mitigation measures identified and implemented pursuant to Article 27;	(b) the related risk mitigation measures identified and implemented pursuant to Article 27;	(b) the ~~related-risk~~ <u>specific</u> mitigation measures identified and implemented pursuant to Article 27;
	Article 33(2), point (c)			
G 416	(c) the audit report provided for in Article 28(3);	(c) the audit report provided for in Article 28(3);	(c) the audit report provided for in Article 28(3);	(c) the audit report provided for in Article 28(3);
	Article 33(2), point (d)			
G 417	(d) the audit implementation report provided for in Article 28(4).	(d) the audit implementation report provided for in Article 28(4).	(d) the audit implementation report provided for in Article 28(4).	(d) the audit implementation report provided for in Article 28(4).

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

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	Commission, accompanied by a statement of the reasons for removing the information from the public reports.	Commission, accompanied by a statement of the reasons for removing the information from the public reports, <u>in compliance with Regulation (EU) 2016/679</u> .	transmit the complete reports to the Digital Services Coordinator of establishment and the Commission, accompanied by a statement of the reasons for removing the information from the public reports.	Services Coordinator of establishment and the Commission, accompanied by a statement of the reasons for removing the information from the public reports.
	Article 33a			
R	418a		Article 33a Very large online search engines	Article 33a Very large online search engines Identical to the General Approach of the Council
	Article 33a(1)			
R	418b		1. This Section, with the exception of Article 33(1a) and (1b), shall apply to online search engines which reach a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, and which are designated as very large online search engines in accordance with Article 25(4).	1. This Section, with the exception of Article 33(1a) and (1b), shall apply to online search engines which reach a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, and which are designated as very large online search engines in accordance with Article 25(4).
	Article 33a(2)			

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R	418c		2. For the purpose of determining the number of average monthly active recipients of the service, Article 23(2), (3) and (3a) shall apply to all online search engines which do not qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, with the exception of those which are very large online search engine in accordance with the paragraph 1 of this Article.	2. For the purpose of determining the number of average monthly active recipients of the service, Article 23(2), (3) and (3a) shall apply to all online search engines which do not qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC, with the exception of those which are very large online search engine in accordance with the paragraph 1 of this Article.
	Section 5			
G	419	Section 5 other provisions concerning due diligence obligations	Section 5 other provisions concerning due diligence obligations	Section 5 other provisions concerning due diligence obligations
	Article 34			
G	420	Article 34 Standards	Article 34 Standards	Article 34 Standards Identical to the compromise proposal of the Commission's

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				services presented on the 4th of March (WK 2987/2022).
	Article 34(1), introductory part			
G	421 1. The Commission shall support and promote the development and implementation of voluntary industry standards set by relevant European and international standardisation bodies at least for the following:	1. The Commission shall support and promote the development and implementation of voluntary ~~industry~~ standards set by relevant European and international standardisation bodies, <u>in accordance with Regulation (EU) No 1025/2012</u> , at least for the following:	1. The Commission shall consult the Board and shall support and promote the development and implementation of voluntary ~~industry~~ standards set by relevant European and international standardisation bodies at least for the following:	1. The Commission shall consult the Board and shall support and promote the development and implementation of voluntary standards set by relevant European and international standardisation bodies at least for the following:
	Article 34(1), point (a)			
G	422 (a) electronic submission of notices under Article 14;	(a) electronic submission of notices under Article 14;	(a) electronic submission of notices under Article 14;	(a) electronic submission of notices under Article 14;
	Article 34(1), point (aa)			
Y	422a	<u>(aa) terms and conditions under Article 12, including as regards acceptance of and changes to those terms and conditions;</u>		<u>(aa) templates, design and process standards for communicating with the recipients of the service in a user-friendly manner on restrictions resulting from terms and conditions and changes thereto;</u>

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	Article 34(1), point (ab)			
Y	422b	<u>(ab) information on traceability of traders under Article 22;</u>		[deleted]
	Article 34(1), point (ac)			
Y	422c	<u>(ac) advertising practices under Article 24 and recommender systems under Article 24a;</u>		[deleted - see row 427a]
	Article 34(1), point (b)			
G	423	(b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;	(b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;	(b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;
	Article 34(1), point (c)			
G	424	(c) specific interfaces, including application programming interfaces, to facilitate compliance with the obligations set out in Articles 30 and 31;	(c) specific interfaces, including application programming interfaces, to facilitate compliance with the obligations set out in Articles 30 and 31;	(c) specific interfaces, including application programming interfaces, to facilitate compliance with the obligations set out in Articles 30 and 31;

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	Article 34(1), point (d)			
Y	425	(d) auditing of very large online platforms pursuant to Article 28;	(d) auditing of very large online platforms and very large online search engines set out pursuant to Article 28;	(d) auditing of very large online platforms and very large online search engines set out pursuant to Article 28;
	Article 34(1), point (e)			
G	426	(e) interoperability of the advertisement repositories referred to in Article 30(2);	(e) interoperability of the advertisement repositories referred to in Article 30(2);	(e) interoperability of the advertisement repositories referred to in Article 30(2);
	Article 34(1), point (f)			
G	427	(f) transmission of data between advertising intermediaries in support of transparency obligations pursuant to points (b) and (c) of Article 24.	(f) transmission of data between advertising intermediaries in support of transparency obligations pursuant to points (b) and (c) of Article 24-;	(f) transmission of data between advertising intermediaries in support of transparency obligations pursuant to points (b) and (c) of Article 24.
	Article 34(1), point (g)			
Y	427a		(g) prominent marking of advertisements and of commercial communication within content disseminated	<u>(fa) technical measures to enable compliance with obligations relating to advertising contained in this</u>

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			through online platforms pursuant to Article 24.	<u>Regulation, including the obligations regarding prominent markings for advertisements and commercial communications referred to in Article 24;</u> <u>(fb) choice interfaces and presentation of information on the main parameters of different types of recommender systems, in accordance with Article [29];</u>
	Article 34(1), point (fb)			
Y	427b	<u>(fb) technical specifications to ensure that intermediary services shall be made accessible for persons with disabilities in accordance with the accessibility requirements of Directive (EU) 2019/882.</u>		<u>(fc) technical specifications for the accessibility of intermediary services to persons with disabilities;</u> [parked with discussion on Article 19a]
	Article 34(1a)			
Y	427c	<u>1a. The Commission shall support and promote the development and implementation of voluntary standards set by the relevant European and international standardisation</u>		<u>(fd) standards for targeted measures to protect minors online.</u>

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		<u>bodies aimed at the protection of minors.</u>		
	Article 34(2)			
G	428	2. The Commission shall support the update of the standards in the light of technological developments and the behaviour of the recipients of the services in question.	2. The Commission shall support the update of the standards in the light of technological developments and the behaviour of the recipients of the services in question. The relevant information regarding the update of the standards shall be publicly available and easily accessible.	2. The Commission shall support the update of the standards in the light of technological developments and the behaviour of the recipients of the services in question. <u>It shall make public and easily accessible relevant information regarding the availability of such updates.</u>
	Article 34(2a)			
Y	428a	<u>2a. The Commission shall be empowered to adopt implementing acts laying down common specifications for the items listed in points (a) to (fb) of paragraph 1 where the Commission has requested one or more European standardisation organisations to draft a harmonised standard and there has not been a publication of the reference to that standard in the</u>		[deleted]

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		<u>Official Journal of the European Union within [24 months after the entry into force of this Regulation] or the request has not been accepted by any of the European standardisation organisations.</u>		
	Article 35			
G	429 Article 35 Codes of conduct	Article 35 Codes of conduct	Article 35 Codes of conduct	Article 35 Codes of conduct Not in the revised mandate – identical to the General Approach of the Council
	Article 35(1)			
Y	430 1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data.	1. The Commission and the Board shall encourage and facilitate the drawing up of <u>voluntary</u> codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, ~~in particular on~~ . <u>Particular attention shall be given</u>	1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the	1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of

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		<u>to avoiding negative effects on fair competition, data access and security, the general monitoring prohibition</u> and the protection of <u>privacy and</u> personal data. <u>The Commission and the Board shall also encourage and facilitate regular review and adaptation of the Codes of conduct to ensure that they are fit for purpose.</u>	protection of personal data.	personal data.
	Article 35(2)			
431	2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their	2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may ~~invite~~ <u>request</u> the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as <u>relevant competent authorities</u> , civil society organisations and other ~~interested parties~~ <u>relevant stakeholders</u> , to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk	2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms or very large online search engines , the Commission may invite the providers of the very large online search engines concerned, other providers of very large online platforms, ~~other of~~ online platforms and ~~other providers of~~ intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of	2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms or very large online search engines , the Commission may invite the providers of the very large online search engines concerned, other providers of very large online platforms, ~~other of~~ online platforms and ~~other providers of~~ intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by

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

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		establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain. <u>Key performance indicators and reporting commitments shall take into account differences in size and capacity between different participants.</u>	that they contain.	contain.
Article 35(4)				
433	4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.	4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions <u>and request that the organisations involved amend their codes of conduct accordingly.</u>	4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.	4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions.
Article 35(5)				
434	5. The Board shall regularly monitor and evaluate the	5. <u>The Commission and</u> the Board shall regularly monitor and	5. The Board shall regularly monitor and evaluate the	5. The Board shall regularly monitor and evaluate the

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	achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.	evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain. <u><i>In case of systematic failure to comply with the Codes of Conduct, the Commission and the Board may take a decision to temporarily suspend or definitively exclude platforms that do not meet their commitments as signatories to the codes of conduct.</i></u>	achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.	achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain.
	Article 36			
G	435 Article 36 Codes of conduct for online advertising	Article 36 Codes of conduct for online advertising	Article 36 Codes of conduct for online advertising	Article 36 Codes of conduct for online advertising Identical to the compromise proposal of the Presidency presented on the on the 1st of March (WK 2735/2022).
	Article 36(1)			
Y	436 1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online	1. The Commission shall encourage and facilitate the drawing up of <i>voluntary</i> codes of conduct at Union level between,	1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between,	1. The Commission shall encourage and facilitate the drawing up of <i>voluntary</i> codes of conduct at Union level between,

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	platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.	online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency <u>for all actors in the</u> online advertising <u>eco-system</u> , beyond the requirements of Articles 24 and 30.	providers of online platforms and other relevant service providers, such as providers of online advertising intermediary services, other actors involved in the programmatic advertising value chain , or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles 24 and 30.	providers of online platforms and other relevant service providers, such as providers of online advertising intermediary services, other actors involved in the programmatic advertising value chain , or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency <u>for actors in the</u> online advertising value chain beyond the requirements of Articles 24 and 30.
Article 36(2), introductory part				
437	2. The Commission shall aim to ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure that the codes	2. The Commission shall aim to ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of <u>privacy and</u> personal data. The Commission shall aim to ensure	2. The Commission shall aim to ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of personal data. The Commission shall aim to ensure	2. The Commission shall aim to ensure that the codes of conduct pursue an effective transmission of information, in full respect for the rights and interests of all parties involved, and a competitive, transparent and fair environment in online advertising, in accordance with Union and national law, in particular on competition and the protection of <u>privacy and</u> personal data. The Commission shall aim to ensure

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	of conduct address at least:	that the codes of conduct address at least:	that the codes of conduct address at least:	that the codes of conduct address at least:
	Article 36(2), point (a)			
G	438 (a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;	(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;	(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;	(a) the transmission of information held by providers of online advertising intermediaries to recipients of the service with regard to requirements set in points (b) and (c) of Article 24;
	Article 36(2), point (b)			
G	439 (b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.	(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.	(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.	(b) the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30.
	Article 36(2), point (ba)			
Y	439a	<u>(ba) the different types of data that can be used.</u>		[deleted]
	Article 36(3)			
Y	440			

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	3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.	3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date. <u>The Commission shall evaluate the application of those codes three years after the application of this Regulation.</u>	3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.	3. The Commission shall encourage the development of the codes of conduct within one year following the date of application of this Regulation and their application no later than six months after that date.
	Article 36(3a)			
Y	440a	<u>3a. The Commission shall encourage all the actors in the online advertising eco-system referred to in paragraph 1 to endorse and comply with the commitments stated in the codes of conduct.</u>		<u>3a. The Commission shall encourage all the actors in the online advertising value chain referred to in paragraph 1 to endorse and comply with the commitments stated in the codes of conduct.</u>
	Article 37			
Y	441 Article 37 Crisis protocols	Article 37 Crisis protocols	Article 37 Crisis protocols	Article 37 Crisis protocols Identical to the compromise proposal of the Presidency presented

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				on the on the 1st of March (WK 2735/2022).
	Article 37(1)			
442	1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.	1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of <u>voluntary</u> crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.	1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.	1. The Board may recommend the Commission to initiate the drawing up, in accordance with paragraphs 2, 3 and 4, of <u>voluntary</u> crisis protocols for addressing crisis situations strictly limited to extraordinary circumstances affecting public security or public health.
	Article 37(2), introductory part			
443	2. The Commission shall encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:	2. The Commission shall encourage and facilitate very large online platforms and, where appropriate, other online platforms, with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:	2. The Commission shall encourage and facilitate very large online platforms, very large online search engines and, where appropriate, other online platforms, ~~with or online search engines~~ with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:	2. The Commission shall encourage and facilitate very large online platforms, very large online search engines and, where appropriate, other online platforms, ~~with or online search engines~~ with the involvement of the Commission, to participate in the drawing up, testing and application of those crisis protocols, which include one or more of the following measures:

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 37(2), point (a)			
444	(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level;	(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level;	(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level or by other relevant reliable bodies depending on the context of the crisis;	(a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level or by other relevant reliable bodies depending on the context of the crisis;
	Article 37(2), point (b)			
445	(b) ensuring that the point of contact referred to in Article 10 is responsible for crisis management;	(b) ensuring that the point of contact referred to in Article 10 is responsible for crisis management;	(b) ensuring that the provider of intermediary services appoints a specific point of contact responsible for crisis management; where relevant, this may be the electronic point of contact referred to in Article 10 is responsible for crisis management , in the case of providers of very large online platforms or of very large online search engines, the compliance officer referred to in Article 32;	(b) ensuring that the provider of intermediary services appoints a specific point of contact responsible for crisis management; where relevant, this may be the electronic point of contact referred to in Article 10 is responsible for crisis management , in the case of providers of very large online platforms or of very large online search engines, the compliance officer referred to in Article 32;
	Article 37(2), point (c)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
G	446	(c) where applicable, adapt the resources dedicated to compliance with the obligations set out in Articles 14, 17, 19, 20 and 27 to the needs created by the crisis situation.	(c) where applicable, adapt the resources dedicated to compliance with the obligations set out in Articles 14, 17, 19, 20 and 27 to the needs created by the crisis situation.	(c) where applicable, adapt the resources dedicated to compliance with the obligations set out in Articles 14, 17, 19, 20 and 27 to the needs created by the crisis situation.
	Article 37(3)			
Y	447	3. The Commission may involve, as appropriate, Member States' authorities and Union bodies, offices and agencies in drawing up, testing and supervising the application of the crisis protocols. The Commission may, where necessary and appropriate, also involve civil society organisations or other relevant organisations in drawing up the crisis protocols.	3. The Commission ~~may~~ shall involve, as appropriate, Member States' authorities and may also involve Union bodies, offices and agencies in drawing up, testing and supervising the application of the crisis protocols. The Commission may, where necessary and appropriate, also involve civil society organisations or other relevant organisations in drawing up the crisis protocols.	3. The Commission ~~may~~ shall involve, as appropriate, Member States' authorities and may also involve Union bodies, offices and agencies in drawing up, testing and supervising the application of the crisis protocols. The Commission may, where necessary and appropriate, also involve civil society organisations or other relevant organisations in drawing up the crisis protocols.
	Article 37(4), introductory part			
G	448	4. The Commission shall aim to ensure that the crisis protocols set out clearly all of the following:	4. The Commission shall aim to ensure that the crisis protocols set out clearly all of the following:	4. The Commission shall aim to ensure that the crisis protocols set out clearly all of the following:

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 37(4), point (a)			
G 449	(a) the specific parameters to determine what constitutes the specific extraordinary circumstance the crisis protocol seeks to address and the objectives it pursues;	(a) the specific parameters to determine what constitutes the specific extraordinary circumstance the crisis protocol seeks to address and the objectives it pursues;	(a) the specific parameters to determine what constitutes the specific extraordinary circumstance the crisis protocol seeks to address and the objectives it pursues;	(a) the specific parameters to determine what constitutes the specific extraordinary circumstance the crisis protocol seeks to address and the objectives it pursues;
	Article 37(4), point (b)			
G 450	(b) the role of each participant and the measures they are to put in place in preparation and once the crisis protocol has been activated;	(b) the role of each participant and the measures they are to put in place in preparation and once the crisis protocol has been activated;	(b) the role of each participant and the measures they are to put in place in preparation and once the crisis protocol has been activated;	(b) the role of each participant and the measures they are to put in place in preparation and once the crisis protocol has been activated;
	Article 37(4), point (c)			
G 451	(c) a clear procedure for determining when the crisis protocol is to be activated;	(c) a clear procedure for determining when the crisis protocol is to be activated;	(c) a clear procedure for determining when the crisis protocol is to be activated;	(c) a clear procedure for determining when the crisis protocol is to be activated;
	Article 37(4), point (d)			

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
452	(d) a clear procedure for determining the period during which the measures to be taken once the crisis protocol has been activated are to be taken, which is strictly limited to what is necessary for addressing the specific extraordinary circumstances concerned;	(d) a clear procedure for determining the period during which the measures to be taken once the crisis protocol has been activated are to be taken, which is strictly limited to what is necessary for addressing the specific extraordinary circumstances concerned;	(d) a clear procedure for determining the period during which the measures to be taken once the crisis protocol has been activated are to be taken, which is strictly limited to what is necessary for addressing the specific extraordinary circumstances concerned;	(d) a clear procedure for determining the period during which the measures to be taken once the crisis protocol has been activated are to be taken, which is strictly limited to what is necessary for addressing the specific extraordinary circumstances concerned;
Article 37(4), point (e)				
453	(e) safeguards to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;	(e) safeguards to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;	(e) safeguards to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;	(e) safeguards to address any negative effects on the exercise of the fundamental rights enshrined in the Charter, in particular the freedom of expression and information and the right to non-discrimination;
Article 37(4), point (f)				
454	(f) a process to publicly report on any measures taken, their duration and their outcomes, upon the termination of the crisis situation.	(f) a process to publicly report on any measures taken, their duration and their outcomes, upon the termination of the crisis situation.	(f) a process to publicly report on any measures taken, their duration and their outcomes, upon the termination of the crisis situation.	(f) a process to publicly report on any measures taken, their duration and their outcomes, upon the termination of the crisis situation.

	Commission Proposal	EP Mandate	13203/21+COR1 Council Mandate	Council Compromise
	Article 37(4), point (fa)			
Y	454a	<u>(fa) measures to ensure accessibility for persons with disabilities during implementation of crisis protocols, including by providing accessible description about these protocols.</u>		[deleted]
	Article 37(5)			
Y	455	5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it may request the participants to revise the crisis protocol, including by taking additional measures.	5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it ~~may~~ shall request the participants to revise the crisis protocol, including by taking additional measures.	5. If the Commission considers that a crisis protocol fails to effectively address the crisis situation, or to safeguard the exercise of fundamental rights as referred to in point (e) of paragraph 4, it shall request the participants to revise the crisis protocol, including by taking additional measures.