

DRAFT VOTING LIST

Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC (2020/0361(COD))

Rapporteur: Geoffroy Didier

Draft opinion: Fdr 1234732 - PE694.960 v01-00

**Amendments: (AMs 90 - 269) - Fdr 1236823 - PE696.289 v01-00
(AMs 270 - 540) - Fdr 1236825 - PE696.290 v 01-00
(AMs 541 - 917) - Fdr 1237016 - PE696.291 v 02-00
(AMs 918 - 1151) - Fdr 1236861 - PE696.292 v 01-00**

Main committee: IMCO

Associated committees: ITRE, LIBE, JURI

Opinion giving committees: ECON, CULT, TRAN, FEMM

Concerned text	AM	Tabled by	Remarks	Rapp	Vote
Articles 1, 1a Recitals 1,2,3,4,8, 9,10,11, 14,15,16	CA 1A	RE, S&D, Greens	If adopted, CA 1, 348, 349, 350, 351, 352, 12, 353, 354, 355, 356, 357, 358, 359, 360, 362, 363, 364, 365, 366, 367, 368, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 103, 105, 109, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 133, 134, 135, 136, 139 and 140 fall		
Articles 1, 1a and recitals 1, 2, 3, 4, 8, 9, 10, 11, 15, 16	CA 1	Rapporteur	Falls if CA 1A adopted If adopted, 348, 349, 350, 351, 352, 12, 353, 354, 355, 356, 357, 358, 359, 360, 362, 363, 364, 365, 366, 367, 368, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, 103, 105, 109, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 139 and 140 fall		
Article 1 – paragraph 1 – introductory part	348	Melchior, Schreinemacher, Séjourné	Falls if CA 1A or CA 1 adopted		

Article premier – paragraph 1 – point a	349	Maurel	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 2 – point b	350	Buda	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 2 – point b	351	Melchior, Schreinemacher, Séjourné	Falls if CA 1A, CA 1 or 350 adopted		
Article premier – paragraph 2 – point b a (new)	352	Maurel	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 2 – point b a (new)	12	Didier	Falls if CA 1A or CA 1 adopted		
Article premier – paragraph 2 – point b b (new)	353	Maurel	Falls if CA 1A or CA 1 adopted		
Article premier – paragraph 3	354	Maurel	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 4 a (new)	355	Melchior, Schreinemacher	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 4 a (new)	356	Niebler	Falls if CA 1A or CA 1 adopted		
Article premier – paragraph 5 – introductory part	357	Maurel	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 5 – point b	358	Melchior, Schreinemacher, Séjourné	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 5 – point c	359	Breyer	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 5 – point c	360	Melchior, Schreinemacher, Séjourné	Fall if CA 1A, CA 1 or 359 adopted Identical		
	361	Séjourné			
Article premier	362	Maurel	Falls if CA 1A, CA 1, 359 or		

– paragraph 5 – point c			360 adopted		
Article 1 – paragraph 5 – point h	363	Melchior, Schreinemacher, Séjourné	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 5 – point i a (new)	364	Melchior, Schreinemacher, Séjourné	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 5 – point i a (new)	365	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 1A or CA 1 adopted		
Article 1 – paragraph 5 a (new)	366	Melchior, Schreinemacher, Séjourné	Falls if CA 1A or CA 1 adopted		
Article premier – paragraph 5 a (new)	367	Maurel	Falls if CA 1A or CA 1 adopted		
Article 1 a (new)	368	Didier	Falls if CA 1A or CA 1 adopted		
Article 2, recitals 12, 12a, 13, 14	CA 2	Rapporteur	If adopted, 369, 13, 370, 371, 372, 14, 373, 374, 375, 376, 15, 16, 377, 17, 18, 380, 382, 383, 384, 19, 386, 385, 20, 387, 388, 21, 391, 407, 22, 397, 23, 381, 389, 390, 24, 394, 395, 396, 408, 398, 399, 400, 25, 401, 402, 403, 404, 406, 405, 409, 410, 117, 125, 124, 118, 119, 120, 122, 121, 123, 126, 1, 127, 128, 129, 130, 131, 133, 134, 135 and 136 fall		
Article 2 – paragraph 1 – point b a (new)	369	Złotowski	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point c	13	Didier	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point c	370	Złotowski	Falls if CA 2 or 13 adopted		
Article 2 – paragraph 1 –	371	Maurel	Falls if CA 2 adopted		

point d – introductory part					
Article 2 – paragraph 1 – point d – indent 1	372	Maurel	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point d – indent 1	14	Didier	Falls if CA 2 or 372 adopted		
Article 2 – paragraph 1 – point d – indent 1	373	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 2, 372 or 14 adopted		
Article 2 – paragraph 1 – point d – indent 2	374	Maurel	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point e	375	Séjourné	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point e	376	Maurel	Falls if CA 2 or 375 adopted		
Article 2 – paragraph 1 – point f – introductory part	15	Didier	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point f – indent -1 (new)	16	Didier	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point f – indent 3	377	Złotowski	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point f – indent	17	Didier	Falls if CA 2 or 377 adopted		

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Article 2 – paragraph 1 – point f – indent 3 a (new)	18	Didier	Fall if CA 2 adopted Identical		
	378	Maurel			
	379	Séjourné			
Article 2 – paragraph 1 – point f a (new)	380	Séjourné	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point g	382	Melchior, Schreinemacher	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point g	383	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 2 or 382 adopted		
Article 2 – paragraph 1 – point g	384	Basso, Beck, Lebreton	Falls if CA 2, 382 or 383 adopted		
Article 2 – paragraph 1 – point g	19	Didier	Falls if CA 2, 382, 383 or 384 adopted		
Article 2 – paragraph 1 – point g	386	Złotowski	Falls if CA 2, 382, 383, 384 or 19 adopted		
Article 2 – paragraph 1 – point g	385	Manders	Falls if CA 2, 382, 384, 19 or 386 adopted		
Article 2 – paragraph 1 – point h	20	Didier	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point h	387	Złotowski	Falls if CA 2 or 20 adopted		
Article 2 – paragraph 1 – point h	388	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 2, 20 or 387 adopted		
Article 2 – paragraph 1 – point h a (new)	21	Didier	Fall if CA 2 adopted Identical		
	392	Walsmann			
Article 2 –	391	Séjourné	Falls if CA 2 or 21 adopted		

paragraph 1 – point h a (new)					
Article 2 – paragraph 1 – point q b (new)	407	Maurel	Falls if CA 2, 21 or 391 adopted		
Article 2 – paragraph 1 – point h b (new)	22	Didier	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point i a (new)	397	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda, Arimont	Falls if CA 2 or 22 adopted		
Article 2 – paragraph 1 – point h c (new)	23	Didier	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point f b (new)	381	Séjourné	Falls if CA 2 or 23 adopted		
Article 2 – paragraph 1 – point h a (new)	389	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda, Arimont	Fall if CA 2 adopted Identical		
	393	Złotowski			
Article 2 – paragraph 1 – point h a (new)	390	Złotowski	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point i	24	Didier	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point i	394	Złotowski	Falls if CA 2 adopted <i>Comp with 24</i>		
Article 2 – paragraph 1 – point i	395	Maurel	Falls if CA 2 or 24 adopted <i>Comp with 394</i>		
Article 2 –	396	Séjourné	Falls if CA 2 adopted		

paragraph 1 – point i a (new)					
Article 2 – paragraph 1 – point q b (new)	408	Melchior, Schreinemacher, Séjourné	Falls if CA 2 or 396 adopted		
Article 2 – paragraph 1 – point n	398	Maurel	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point o	399	Maurel	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point o	400	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 2 adopted <i>Comp with 399</i>		
Article 2 – paragraph 1 – point p	25	Didier	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point q	401	Melchior	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point q	402	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 2 or 401 adopted		
Article 2 – paragraph 1 – point q a (new)	403	Maurel	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point q a (new)	404	Breyer	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point q a (new)	406	Melchior, Schreinemacher, Séjourné	Falls if CA 2 or 404 adopted		
Article 2 – paragraph 1 – point q a (new)	405	Wölken, Gebhardt, Roberti	Falls if CA 2 adopted		
Article 2 – paragraph 1 – point q b (new)	409	Melchior, Séjourné, Schreinemacher	Falls if CA 2 adopted		
Article 2 –	410	Melchior,	Falls if CA 2 adopted		

paragraph 1 – point q c (new)		Schreinemacher, Séjourné			
Article 2 a (new)	411	Breyer			
Article 2 b (new)	412	Breyer, Van Sparrentak, Geese, Andresen, Daly, Kolaja			
Article 3, 4(2), recital 21	CA 3	Rapporteur	If adopted, 413, 414, 415, 416 and 147 fall		
Article 3 – paragraph 1 – introductory part	413	Złotowski	Falls if CA 3 adopted		
Article 3 – paragraph 3	414	Breyer	Falls if CA 3 adopted		
Article 3 – paragraph 3	415	Złotowski	Falls if CA 3 or 414 adopted		
Article 4 – paragraph 2	416	Breyer	Falls if CA 3 adopted		
Article 5, recitals 18, 20, 22, 23, 24	CA 4	Rapporteur	If adopted, CA 4A, 26, 417, 418, 419, 420, 421, 422, 423, 27, 426, 424, 425, 427, 28, 428, 430, 429, 2, 141, 142, 143, 144, 145, 4, 146, 148, 149, 150, 5, 151, 152 and 153 fall		
Article 5, recitals 18, 20, 22, 23, 24	CA 4A	RE, S&D, Greens	Falls if CA 4 adopted If adopted, 26, 417, 418, 419, 420, 421, 422, 423, 27, 426, 424, 425, 427, 28, 428, 430, 429, 2, 141, 142, 143, 144, 145, 4, 146, 148, 149, 150, 5, 151, 152 and 153 fall		
Article 5 – paragraph 1 – point b	26	Didier	Falls if CA 4 or CA 4A adopted		
Article 5 – paragraph 1 – point b	417	Stancanelli	Falls if CA 4, CA 4A or 26 adopted		
Article 5 – paragraph 1 –	418	Basso, Beck, Lebreton	Falls if CA 4, CA 4A, 26 or 417 adopted		

point b					
Article 5 – paragraph 1 – point b	419	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 4, CA 4A, 26, 417 or 418 adopted		
Article 5 – paragraph 1 – point b	420	Maurel	Falls if CA 4, CA 4A, 26, 417, 418 or 419 adopted		
Article 5 – paragraph 1 a (new)	421	Voss, Manders, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda, Arimont	Falls if CA 4 or CA 4A adopted		
Article 5 – paragraph 2	422	Maurel	Falls if CA 4 or CA 4A adopted		
Article 5 – paragraph 2 a (new)	423	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Arimont	Falls if CA 4 or CA 4A adopted		
Article 5 – paragraph 3	27	Didier	Falls if CA 4 or CA 4A adopted		
Article 5 – paragraph 3	426	Séjourné	Falls if CA 4, CA 4A or 27 adopted		
Article 5 – paragraph 3	424	Maurel	Falls if CA 4 or CA 4A adopted <i>Comp with 27, 426</i>		
Article 5 – paragraph 3	425	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 4, CA 4A, 27 or 426 adopted <i>Comp with 424</i>		
Article 5 – paragraph 3 a (new)	427	Maurel	Falls if CA 4 or CA 4A adopted		
Article 5 – paragraph 3 a (new)	28	Didier	Falls if CA 4 or CA 4A adopted		

Article 5 – paragraph 3 b (new)	428	Maurel	Falls if CA 4, CA 4A or 28 adopted		
Article 5 a (new)	430	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 4, CA 4A or 28 adopted		
Article 5 – paragraph 4	429	Breyer	Falls if CA 4 or CA 4A adopted		
Article 6 Recitals 25, 26, 27	CA 5	Rapporteur	If adopted, 431, 29, 432, 433, 435, 434, 30, 436, 437, 438, 154, 156, 157, 158, 6, 159, 160, 161, 162 and 163 fall		
Article 6	431	Breyer	Falls if CA 5 adopted <i>Deletion</i>		
Article 6 – paragraph 1	29	Didier	Falls if CA 5 or 431 adopted		
Article 6 – paragraph 1	432	Maurel	Falls if CA 5, 431 or 29 adopted		
Article 6 – paragraph 1	433	Séjourné	Falls if CA 5, 431, 29 or 432 adopted		
Article 6 – paragraph 1	435	Wölken, Gebhardt, Roberti	Falls if CA 5, 431, 29 or 432 adopted <i>Comp with 433</i>		
Article 6 – paragraph 1	434	Basso, Beck, Lebreton	Falls if CA 5, 431, 29, 432 or 433 adopted		
Article 6 – paragraph 1 a (new)	30	Didier	Falls if CA 5 or 431 adopted		
Article 6 – paragraph 1 a (new)	436	Wölken, Gebhardt, Roberti	Falls if CA 5 or 431 adopted		
Article 6 – paragraph 1 b (new)	437	Wölken, Gebhardt, Roberti	Falls if CA 5 or 431 adopted		
Article 6 – paragraph 1 c (new)	438	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 5 or 431 adopted		
Article 7	CA	Rapporteur	If adopted, CA 6A, 439, 440,		

Recital 28, 28a	6		441, 442, 164, 7, 165, 166, 167, 168, 169 and 170 fall		
Article 7 Recital 28	CA 6A	RE, S&D, Greens	Falls if CA 6 adopted If adopted, 439, 440, 441, 442, 164, 7, 165, 166, 167, 168, 169 and 170 fall		
Article 7 – title	439	Breyer	Falls if CA 6 or CA 6A adopted		
Article 7 – paragraph 1	440	Melchior, Schreinemacher, Séjourné	Falls if CA 6 or CA 6A adopted		
Article 7 – paragraph 1	441	Wölken, Gebhardt, Roberti, Benifei	Falls if CA 6, CA 6A or 440 adopted		
Article 7 – paragraph 1 a (new)	442	Breyer	Fall if CA 6, CA 6A, 440 or 441 adopted Identical		
	443	Melchior			
Articles 8, 8a Recitals 29, 30, 31, 33	CA 7	Rapporteur	If adopted, CA 7A, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 31, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 477, 476, 478, 479, 480, 481, 482, 483, 484, 171, 172, 173, 174, 175, 177, 178, 179 and 180 fall		
Article 8 Recitals 29, 30, 31	CA 7A	RE, S&D, Greens	Falls if CA 7 adopted If adopted, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 31, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 477, 476, 478, 479, 480, 481, 482, 483, 171, 172, 173, 174, 175, 177, 178, 179 and 180 fall		
Article 8 – paragraph 1	444	Breyer	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 1	445	Melchior	Falls if CA 7, CA 7A or 444 adopted		
Article 8 – paragraph 1	446	Złotowski	Falls if CA 7, CA 7A or 445 adopted <i>Comp with 444</i>		

Article 8 – paragraph 1 a (new)	447	Melchior, Schreinemacher, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 1 b (new)	448	Melchior, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 1 c (new)	449	Melchior, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 1 d (new)	450	Melchior	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 1 e (new)	451	Melchior, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point a – indent 1	452	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point a – indent 1 a (new)	453	Melchior, Schreinemacher, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point a – indent 1 a (new)	454	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 7, CA 7A or 453 adopted		
Article 8 – paragraph 2 – point a – indent 1 b (new)	455	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point a – indent 3	456	Breyer	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point b	457	Wölken, Gebhardt, Roberti	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point b	458	Breyer	Falls if CA 7, CA 7A or 457 adopted		
Article 8 –	459	Melchior,	Falls if CA 7 or CA 7A		

paragraph 2 – point b		Schreinemacher	adopted <i>Comp with 457 and 458</i>		
Article 8 – paragraph 2 – point b a (new)	460	Wölken, Gebhardt, Roberti	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point b a (new)	461	Breyer	Falls if CA 7, CA 7A or 460 adopted		
Article 8 – paragraph 2 – point b b (new)	462	Breyer	Falls if CA 7, CA 7A or 460 adopted		
Article 8 – paragraph 2 – point b c (new)	463	Breyer	Falls if CA 7, CA 7A or 460 adopted or 461 or 462 NOT adopted		
Article 8 – paragraph 2 – point c	31	Didier	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point c	464	Melchior, Schreinemacher, Séjourné	Falls if CA 7, CA 7A or 31 adopted		
Article 8 – paragraph 2 – point c a (new)	465	Stancanelli	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point c a (new)	466	Złotowski	Falls if CA 7, CA 7A or 465 adopted		
Article 8 – paragraph 2 – point c a (new)	467	Melchior, Schreinemacher	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 – point c b (new)	468	Melchior, Schreinemacher, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 a (new)	469	Melchior, Schreinemacher, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 b (new)	470	Melchior, Schreinemacher, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 2 c (new)	471	Melchior, Schreinemacher	Falls if CA 7 or CA 7A adopted		

Article 8 – paragraph 3	472	Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 3	473	Breyer	Falls if CA 7 or CA 7A adopted <i>Comp with 472</i>		
Article 8 – paragraph 3 – subparagraph 1 (new)	474	Melchior, Schreinemacher, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 3 a (new)	475	Złotowski	Falls if CA 7, CA 7A or 474 adopted		
Article 8 – paragraph 3 b (new)	477	Złotowski	Falls if CA 7, CA 7A or 474 adopted		
Article 8 – paragraph 3 a (new)	476	Breyer	Falls if CA 7 or CA 7A adopted <i>Comp with 474 and 475</i>		
Article 8 – paragraph 4	478	Melchior, Schreinemacher, Séjourné	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 4	479	Walsmann	Falls if CA 7 or CA 7A adopted <i>Comp with 478</i>		
Article 8 – paragraph 4 a (new)	480	Złotowski	Falls if CA 7 or CA 7A adopted		
Article 8 – paragraph 4 a (new)	481	Breyer	Falls if CA 7, CA 7A or 480 adopted		
Article 8 – paragraph 4 a (new)	482	Buda	Falls if CA 7, CA 7A, 480 or 481 adopted		
Article 8 – paragraph 4 b (new)	483	Breyer	Falls if CA 7 or CA 7A adopted		
Article 8 a (new)	484	Złotowski	Falls if CA 7 adopted		
Article 9 Recitals 32, 33	CA 8	Rapporteur	If adopted, 32, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 499, 497, 33, 498, 496, 500, 501, 502, 503, 504,		

			34, 505, 506, 507, 518, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 181, 8, 182 and 183 fall		
Article 9 – paragraph 1	32	Didier	Falls if CA 8 adopted		
Article 9 – paragraph 1	485	Séjourné	Falls if CA 8 or 32 adopted		
Article 9 – paragraph 1	486	Breyer	Falls if CA 8, 32 or 485 adopted		
Article 9 – paragraph 1	487	Złotowski	Falls if CA 8 or 486 adopted <i>Comp with 32, 485</i>		
Article 9 – paragraph 1	488	Melchior, Schreinemacher	Falls if CA 8 adopted <i>Comp with 32, 485, 486, 487</i>		
Article 9 – paragraph 1 a (new)	489	Melchior, Schreinemacher, Séjourné	Falls if CA 8 adopted		
Article 9 – paragraph 1 b (new)	490	Melchior, Séjourné	Falls if CA 8 adopted or 489 NOT adopted		
Article 9 – paragraph 1 c (new)	491	Melchior, Séjourné	Falls if CA 8 adopted or 490 NOT adopted		
Article 9 – paragraph 1 d (new)	492	Melchior	Falls if CA 8 adopted or 491 NOT adopted		
Article 9 – paragraph 2 – point -a (new)	493	Breyer	Falls if CA 8 adopted		
Article 9 – paragraph 2 – point -a a (new)	494	Breyer	Falls if CA 8 adopted		
Article 9 – paragraph 2 – point a – indent -1 (new)	495	Melchior, Schreinemacher, Séjourné	Falls if CA 8 adopted		
Article 9 – paragraph 2 – point a – indent 1 a (new)	499	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 8 or 495 adopted		
Article 9 –	497	Breyer	Falls if CA 8 adopted		

paragraph 2 – point a – indent 1					
Article 9 – paragraph 2 – point a – indent 1	33	Didier	Falls if CA 8 or 497 adopted		
Article 9 – paragraph 2 – point a – indent 1	498	Séjourné	Falls if CA 8 or 497 adopted <i>Comp with 33</i>		
Article 9 – paragraph 2 – point a – indent 1	496	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 8 or 497 adopted <i>Comp with 33, 498</i>		
Article 9 – paragraph 2 – point a – indent 1 a (new)	500	Breyer	Falls if CA 8 adopted		
Article 9 – paragraph 2 – point a – indent 1 b (new)	501	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 8 adopted		
Article 9 – paragraph 2 – point a – indent 2	502	Breyer	Falls if CA 8 adopted		
Article 9 – paragraph 2 – point b	503	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 8 adopted		
Article 9 – paragraph 2 – point b	504	Breyer	Falls if CA 8 adopted <i>Comp with 503</i>		
Article 9 – paragraph 2 – point c	34	Didier	Falls if CA 8 adopted		
Article 9 – paragraph 2 – point c	505	Melchior, Schreinemacher, Séjourné	Falls if CA 8 or 34 adopted		
Article 9 –	506	Melchior,	Falls if CA 8 adopted		

paragraph 2 – point c a (new)		Schreinemacher, Séjourné			
Article 9 – paragraph 2 a (new)	507	Melchior, Schreinemacher, Séjourné	Falls if CA 8 adopted		
Article 9 – paragraph 4 d (new)	518	Breyer	Falls if CA 8 or 507 adopted		
Article 9 – paragraph 2 b (new)	508	Melchior, Schreinemacher	Falls if CA 8 adopted		
Article 9 – paragraph 3	509	Breyer	Falls if CA 8 adopted		
Article 9 – paragraph 4	510	Breyer	Falls if CA 8 adopted		
Article 9 – paragraph 4	511	Walsmann	Falls if CA 8 or 510 adopted		
Article 9 – paragraph 4	512	Melchior, Schreinemacher	Falls if CA 8 or 510 adopted <i>Comp with 511</i>		
Article 9 – paragraph 4 a (new)	513	Wölken, Gebhardt, Roberti	Falls if CA 8 adopted		
Article 9 – paragraph 4 a (new)	514	Buda	Falls if CA 8 adopted		
Article 9 – paragraph 4 a (new)	515	Breyer	Falls if CA 8 adopted		
Article 9 – paragraph 4 b (new)	516	Breyer	Falls if CA 8 adopted		
Article 9 – paragraph 4 c (new)	517	Breyer	Falls if CA 8 adopted		
Article -10a (new), 10 Recitals 34, 35, 36, 36a	CA 10	Rapporteur	If adopted, 519, 520, 521, 522, 523, 184, 185, 186, 187, 188, 189 and 346 fall		
Article -10 (new)	519	Melchior, Schreinemacher, Séjourné	Falls if CA 10 adopted		

Article -10 (new)	520	Breyer	Falls if CA 10 adopted		
Article -10 a (new)	521	Melchior, Schreinemacher	Falls if CA 10 adopted		
Article 10 – paragraph 2	522	Złotowski	Falls if CA 10 adopted		
Article 10 – paragraph 2 a (new)	523	Melchior, Schreinemacher, Séjourné	Falls if CA 10 adopted		
Article 11 Recital 37	CA 11	Rapporteur	If adopted, 524, 525, 526, 35, 527, 36, 528, 529, 37, 530, 531 and 9 fall		
Article 11 – paragraph 1	524	Złotowski	Falls if CA 11 adopted		
Article 11 – paragraph 1	525	Voss, Manders, Halicki, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda, Arimont	Falls if CA 11 or 524 adopted		
Article 11 – paragraph 1	526	Melchior	Falls if CA 11, 524 or 525 adopted		
Article 11 – paragraph 1	35	Didier	Falls if CA 11 or 526 adopted <i>Comp with 524, 525</i>		
Article 11 – paragraph 1	527	Maurel	Falls if CA 11, 524, 525 or 526 adopted <i>Comp with 35</i>		
Article 11 – paragraph 2	36	Didier	Falls if CA 11 adopted		
Article 11 – paragraph 2	528	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 11 or 36 adopted		
Article 11 – paragraph 4	529	Złotowski	Falls if CA 11 adopted		
Article 11 – paragraph 5 a (new)	37	Didier	Falls if CA 11 adopted		

Article 11 – paragraph 5 a (new)	530	Złotowski	Falls if CA 11 adopted		
Article 11 a (new)	531	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Fall if CA 11 adopted Identical		
	532	Złotowski			
Article 12, 12a Recitals 38, 38a	CA 12	Rapporteur	If adopted, 38, 533, 534, 535, 536, 537, 538, 539, 540, 541, 39, 542, 543, 40, 546, 544, 545, 557, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 558, 559, 560, 190, 191, 192 and 193 fall		
Article 12 – paragraph 1	38	Didier	Falls if CA 12 adopted		
Article 12 – paragraph 1	533	Maurel	Falls if CA 12 or 38 adopted		
Article 12 – paragraph 1	534	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 12, 38 or 533 adopted		
Article 12 – paragraph 1	535	Melchior, Séjourné	Falls if CA 12, 38, 533 or 534 adopted		
Article 12 – paragraph 1	536	Breyer	Falls if CA 12, 38, 533, 534 or 535 adopted		
Article 12 – paragraph 1	537	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Arimont	Falls if CA 12, 38 or 533 adopted <i>Comp with 534, 535, 536</i>		
Article 12 – paragraph 1	538	Złotowski	Falls if CA 12, 38 or 533 adopted <i>Comp with 534, 535, 536, 537</i>		
Article 12 – paragraph 1 a (new)	539	Melchior, Séjourné	Falls if CA 12 adopted		
Article 12 – paragraph 1 a	540	Séjourné	Falls if CA 12 or 539 adopted		

(new)					
Article 12 – paragraph 1 a (new)	541	Breyer	Falls if CA 12, 539 or 540 adopted		
Article 12 – paragraph 2	39	Didier	Falls if CA 12 adopted		
Article 12 – paragraph 2	542	Séjourné	Falls if CA 12 or 39 adopted		
Article 12 – paragraph 2	543	Breyer	Falls if CA 12, 39 or 542 adopted		
Article 12 – paragraph 2 – subparagraph 1 a (new)	40	Didier	Falls if CA 12 adopted or 39 NOT adopted		
Article 12 – paragraph 2 a (new)	546	Melchior, Schreinemacher	Falls if CA 12 adopted <i>Comp with 40</i>		
Article 12 – paragraph 2 a (new)	544	Maurel	Falls if CA 12 adopted		
Article 12 – paragraph 2 a (new)	545	Voss, Halicki, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 12 or 544 adopted		
Article 12 – paragraph 2 d (new)	557	Złotowski	Falls if CA 12 or 545 adopted		
Article 12 – paragraph 2 a (new)	547	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 12 adopted		
Article 12 – paragraph 2 a (new)	548	Breyer	Falls if CA 12 or 547 adopted		
Article 12 – paragraph 2 a (new)	549	Złotowski	Falls if CA 12 adopted		
Article 12 – paragraph 2 b (new)	550	Złotowski	Falls if CA 12 adopted		

Article 12 – paragraph 2 b (new)	551	Melchior, Schreinemacher, Séjourné	Falls if CA 12 adopted		
Article 12 – paragraph 2 b (new)	552	Breyer	Falls if CA 12 adopted		
Article 12 – paragraph 2 c (new)	553	Złotowski	Falls if CA 12 adopted		
Article 12 – paragraph 2 c (new)	554	Melchior, Schreinemacher	Falls if CA 12 adopted		
Article 12 – paragraph 2 c (new)	555	Breyer	Falls if CA 12 adopted		
Article 12 – paragraph 2 d (new)	556	Melchior, Schreinemacher	Falls if CA 12 adopted		
Article 12 a (new)	558	Melchior, Schreinemacher	Falls if CA 12 adopted		
Article 12 a (new)	559	Melchior, Schreinemacher, Vautmans, Séjourné	Falls if CA 12 adopted		
Article 13, 13a, 13b Recitals 38b, 39	CA 13	Rapporteur	If adopted, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 583, 581, 582, 584, 3, 194 and 195 fall		
Article 12 b (new)	560	Melchior, Schreinemacher, Séjourné	Falls if CA 12, 558 or CA 13 adopted		
Article 13 – paragraph 1 – introductory part	561	Melchior	Falls if CA 13 adopted		
Article 13 – paragraph 1 – point a	562	Złotowski	Falls if CA 13 adopted		
Article 13 – paragraph 1 – point a	563	Melchior, Schreinemacher, Séjourné	Falls if CA 13 or 562 adopted		

Article 13 – paragraph 1 – point a	564	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 13 or 562 adopted <i>Comp with 563</i>		
Article 13 – paragraph 1 – point b	565	Séjourné, Vázquez Lázara	Falls if CA 13 adopted		
Article 13 – paragraph 1 – point b	566	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 13 adopted <i>Comp with 565</i>		
Article 13 – paragraph 1 – point b	567	Złotowski	Falls if CA 13 or 566 adopted <i>Comp with 565</i>		
Article 13 – paragraph 1 – point b a (new)	568	Maurel	Falls if CA 13 adopted		
Article 13 – paragraph 1 – point c	569	Breyer	Falls if CA 13 adopted		
Article 13 – paragraph 1 – point d	570	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 13 adopted		
Article 13 – paragraph 1 – point d	571	Złotowski	Falls if CA 13 adopted <i>Comp with 570</i>		
Article 13 – paragraph 1 a (new)	572	Maurel	Falls if CA 13 adopted		
Article 13 – paragraph 1 a (new)	573	Melchior	Falls if CA 13 adopted <i>Comp with 572</i>		
Article 13 – paragraph 2	574	Maurel	Falls if CA 13 adopted		
Article 13 – paragraph 2	575	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal,	Falls if CA 13 or 574 adopted		

		Buda			
Article 13 – paragraph 2	576	Złotowski	Falls if CA 13, 574 or 575 adopted		
Article 13 – paragraph 2	577	Basso, Beck, Lebreton	Falls if CA 13, 574, 575 or 576 adopted		
Article 13 – paragraph 2	578	Melchior, Séjourné	Falls if CA 13 or 574 adopted <i>Comp with 575, 576, 577</i>		
Article 13 – paragraph 2 a (new)	579	Melchior, Schreinemacher, Séjourné	Falls if CA 13 adopted		
Article 13 – paragraph 2 a (new)	580	Złotowski	Falls if CA 13 adopted		
Article 13 a (new)	583	Didier	Falls if CA 13 adopted		
Article 13 a (new)	581	Wölken, Gebhardt, Roberti, Schaldemose, Andresen, Kaili, Geese, Van Sparrentak, Gálvez Muñoz, Regner, Agius Saliba, Leitão-Marques, Ertug, Kolaja, Tang	Falls if CA 13 adopted		
Article 13 a (new)	582	Breyer	Falls if CA 13 adopted		
Article 13 b (new)	584	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 13 or 582 adopted		
Article 14 and title of section Recitals 40, 40a, 40b, 41, 41a	CA 14	Rapporteur	If adopted, CA 14A, 41, 585, 586, 587, 42, 588, 589, 590, 591, 592, 593, 43, 594, 595, 596, 597, 598, 599, 600, 601, 602, 604, 605, 606, 607, 608, 609, 610, 611, 44, 612, 613, 614, 615, 616, 617, 45, 622, 46, 618, 619, 620, 621, 623, 196, 197, 198, 10, 199, 200, 201, 202, 203, 204, 205 and 206 fall		
Article 14 and title of section Recitals 40,	CA 14A	RE, S&D, Greens	Falls if CA 14 adopted If adopted, 41, 585, 586, 587, 42, 588, 589, 590, 591, 592,		

40a, 41, 41a			593, 43, 594, 595, 596, 597, 598, 599, 600, 601, 602, 604, 605, 606, 607, 608, 609, 610, 611, 44, 612, 613, 614, 615, 616, 617, 45, 622, 46, 618, 619, 620, 621, 623, 196, 197, 198, 10, 199, 200, 201, 202, 204, 205 and 206 fall		
Chapter III – Section 2 – title	41	Didier	Falls if CA 14 or CA 14A adopted		
Chapter III – Section 2 – title	585	Séjourné, Vázquez Lázara	Falls if CA 14, CA 14A or 41 adopted		
Article 14	586	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Fall if CA 14 or CA 14A adopted Vote together <i>Deletion of the entire art 14</i> <i>Replaced by new art 16 a in AM 647</i>		
Article 16 a (new)	647	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda, Arimont	<i>New art 16 a to replace deletion of art 14</i>		
Article 14 – paragraph 1	587	Melchior, Séjourné	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 1	42	Didier	Falls if CA 14, CA 14A, 586 or 587 adopted		
Article 14 – paragraph 1	588	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 14, CA 14A, 586, 587 or 42 adopted		
Article 14 – paragraph 2 – introductory part	589	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 2 – introductory part	590	Melchior, Séjourné	Falls if CA 14, CA 14A, 586 or 589 adopted		
Article 14 – paragraph 2 – introductory part	591	Złotowski	Falls if CA 14, CA 14A, 586, 589 or 590 adopted		
Article 14 –	592	Melchior, Séjourné	Falls if CA 14, CA 14A or		

paragraph 2 – point a			586 adopted		
Article 14 – paragraph 2 – point a	593	Wölken, Gebhardt, Roberti	Falls if CA 14, CA 14A or 586 adopted <i>Comp with 592</i>		
Article 14 – paragraph 2 – point b	43	Didier	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 2 – point b	594	Melchior	Falls if CA 14, CA 14A, 586 or 43 adopted		
Article 14 – paragraph 2 – point b	595	Złotowski	Falls if CA 14, CA 14A, 586, 43 or 594 adopted		
Article 14 – paragraph 2 – point b	596	Maurel	Falls if CA 14, CA 14A, 586, 43 or 594 adopted <i>Comp with 595</i>		
Article 14 – paragraph 2 – point b	597	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 14, CA 14A, 586, 43, 594, 595 or 596 adopted		
Article 14 – paragraph 2 – point c	598	Breyer	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 2 – point c a (new)	599	Breyer	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 2 – point d	600	Breyer	No vote Inadmissible Falls if CA 14 or CA 14A adopted <i>identical to COM proposal</i>		
Article 14 – paragraph 2 – point d – indent 1 (new)	601	Breyer	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 3	602	Breyer	Fall if CA 14, CA 14A or 586 adopted Identical <i>Deletion</i>		
	603	Basso, Beck, Lebreton			
Article 14 – paragraph 3	604	Złotowski	Falls if CA 14, CA 14A, 586 or 602 adopted		
Article 14 –	605	Maurel	Falls if CA 14, CA 14A, 586,		

paragraph 3			602 or 604 adopted		
Article 14 – paragraph 3	606	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 14, CA 14A, 586 or 602 adopted <i>Comp with 604, 605</i>		
Article 14 – paragraph 3 a (new)	607	Didier	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 4 a (new)	608	Breyer	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 4 b (new)	609	Breyer	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 4 c (new)	610	Breyer	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 5	611	Breyer	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 6	44	Didier	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 6	612	Maurel	Falls if CA 14, CA 14A, 586 or 44 adopted		
Article 14 – paragraph 6	613	Złotowski	Falls if CA 14, CA 14A, 586, 44 or 612 adopted		
Article 14 – paragraph 6	614	Stancanelli	Falls if CA 14, CA 14A, 586, 44 or 612 adopted <i>Comp with 613</i>		
Article 14 – paragraph 6	615	Séjourné, Vázquez Lázara	Falls if CA 14, CA 14A, 586, 44 or 612 adopted <i>Comp with 613, 614</i>		
Article 14 – paragraph 6	616	Melchior	Falls if CA 14, CA 14A, 586, 44, 612 or 615 adopted <i>Comp with 613, 614</i>		
Article 14 – paragraph 6	617	Breyer	Falls if CA 14, CA 14A, 586, 44, 612, 615 or 616 adopted <i>Comp with 613, 614</i>		
Article 14 – paragraph 6 a (new)	45	Didier	Falls if CA 14, CA 14A or 586 adopted		
Article 14 –	622	Maurel	Falls if CA 14, CA 14A, 586		

paragraph 6 c (new)			or 45 adopted		
Article 14 – paragraph 6 b (new)	46	Didier	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 6 a (new)	618	Maurel	Falls if CA 14, CA 14A, 586 or 46 adopted		
Article 14 – paragraph 6 a (new)	619	Séjourné, Vázquez Lázara	Falls if CA 14, CA 14A, 586, 46 or 618 adopted		
Article 14 – paragraph 6 a (new)	620	Melchior	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 6 b (new)	621	Maurel	Falls if CA 14, CA 14A or 586 adopted		
Article 14 – paragraph 6 d (new)	623	Maurel	Falls if CA 14, CA 14A or 586 adopted		
Article 15, 15a, 15b, 15c Recital 42	CA 15a	Rapporteur	If adopted, 47, 625, 626, 627, 48, 628, 49, 629, 630, 631, 632, 633, 634, 635, 636, 637, 50, 638, 639, 640, 642, 51, 641, 774, 207, 208, 209, 210, 211, 212 and 213 fall		
Article 15 – paragraph 1	47	Didier	Fall if CA 15a adopted Identical		
	624	Séjourné			
Article 15 – paragraph 1	625	Maurel	Falls if CA 15a or 47 adopted		
Article 15 – paragraph 1	626	Breyer	Falls if CA 15a, 47 or 625 adopted		
Article 15 – paragraph 1	627	Złotowski	Falls if CA 15a, 47 or 626 adopted <i>Comp with 625</i>		
Article 15 – paragraph 2 – introductory part	48	Didier	Falls if CA 15a adopted		
Article 15 – paragraph 1 a	628	Séjourné	Falls if CA 15a or 48 adopted		

(new)					
Article 15 – paragraph 2 – point a	49	Didier	Falls if CA 15a adopted		
Article 15 – paragraph 2 – point a	629	Breyer	Falls if CA 15a or 49 adopted		
Article 15 – paragraph 2 – point a	630	Séjourné	Falls if CA 15a, 49 or 629 adopted		
Article 15 – paragraph 2 – point a	631	Maurel	Falls if CA 15a, 49 or 630 adopted <i>Comp with 629</i>		
Article 15 – paragraph 2 – point a	632	Basso, Beck, Lebreton	Falls if CA 15a, 49, 629 or 630 adopted <i>Comp with 631</i>		
Article 15 – paragraph 2 – point c	633	Breyer	Falls if CA 15a adopted		
Article 15 – paragraph 4	634	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 15a adopted		
Article 15 – paragraph 4	635	Maurel	Falls if CA 15a or 634 adopted		
Article 15 – paragraph 4	636	Breyer	Falls if CA 15a, 634 or 635 adopted		
Article 15 – paragraph 4 a (new)	637	Benifei	Falls if CA 15a adopted		
Article 15 a (new)	50	Didier	Falls if CA 15a adopted		
Article 15 a (new)	638	Séjourné	Falls if CA 15a or 50 adopted		
Article 15 a (new)	639	Wölken, Gebhardt, Roberti, Benifei	Falls if CA 15a or 638 adopted		
Article 15 a (new)	640	Breyer	Falls if CA 15a or 639 adopted		

Article 15 b (new)	642	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 15a, 639 or 640 adopted		
Article 15 b (new)	51	Didier	Falls if CA 15a adopted		
Article 15 b (new)	641	Séjourné	Falls if CA 15a or 51 adopted		
Article 16 Recital 43	CA 16	Rapporteur	If adopted, 643, 52, 644, 645, 646, 215, 216 and 217 fall		
Article 16 – title	643	Breyer	Falls if CA 16 adopted		
Article 16 – paragraph 1	52	Didier	Falls if CA 16 adopted		
Article 16 – paragraph 1	644	Złotowski	Falls if CA 16 or 52 adopted		
Article 16 – paragraph 1	645	Basso, Beck, Lebreton	Falls if CA 16, 52 or 644 adopted		
Article 16 – paragraph 1	646	Breyer	Falls if CA 16 adopted <i>Comp with 52, 644, 645</i>		
Article 17 Recital 44	CA 17	Rapporteur	If adopted, 53, 648, 650, 651, 652, 654, 656, 54, 653, 657, 658, 659, 660, 55, 662, 663, 661, 668, 665, 667, 666, 669, 56, 670, 57, 671, 672, 673, 58, 674, 676, 677, 220 and 221 fall		
Article 17 – paragraph 1 – introductory part	53	Didier	Fall if CA 17 adopted Identical		
	649	Séjourné			
Article 17 – paragraph 1 – introductory part	648	Maurel	Falls if CA 17 or 53 adopted		
Article 17 – paragraph 1 – introductory part	650	Melchior	Falls if CA 17, 53 or 648 adopted		
Article 17 – paragraph 1 – introductory part	651	Breyer	Falls if CA 17, 53, 648 or 650 adopted		

Article 17 – paragraph 1 – point a	652	Maurel	Falls if CA 17 adopted		
Article 17 – paragraph 1 – point a	654	Melchior, Schreinemacher	Falls if CA 17 or 652 adopted		
Article 17 – paragraph 1 – point a	656	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 17, 652 or 654 adopted		
Article 17 – paragraph 1 – point a	54	Didier	Fall if CA 17, 652, 654 or 656 adopted Identical		
	655	Séjourné			
Article 17 – paragraph 1 – point a	653	Breyer	Falls if CA 17, 652, 654, 656 or 54 adopted		
Article 17 – paragraph 1 – point b	657	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 17 adopted		
Article 17 – paragraph 1 – point b	658	Melchior	Falls if CA 17 or 657 adopted		
Article 17 – paragraph 1 – point c	659	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 17 adopted		
Article 17 – paragraph 1 – point c	660	Melchior	Falls if CA 17 or 659 adopted		
Article 17 – paragraph 1 – point c a (new)	55	Didier	Fall if CA 17 adopted Identical		
	664	Séjourné			
Article 17 – paragraph 1 – point c a (new)	662	Melchior, Schreinemacher	Falls if CA 17 or 55 adopted		
Article 17 – paragraph 1 – point c a (new)	663	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 17, 55 or 662 adopted		
Article 17 – paragraph 1 – point c a (new)	661	Złotowski	Falls if CA 17 adopted		
Article 17 – paragraph 1 – point c c (new)	668	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 17 or 661 adopted		

Article 17 – paragraph 1 – point c b (new)	665	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 17 adopted		
Article 17 – paragraph 1 – point c b (new)	667	Melchior	Falls if CA 17 or 665 adopted		
Article 17 – paragraph 1 – point c b (new)	666	Séjourné	Falls if CA 17 adopted		
Article 17 – paragraph 1 – point c d (new)	669	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 17 adopted		
Article 17 – paragraph 2 – subparagraph -1 (new)	56	Didier	Falls if CA 17 adopted or 50 or 638 NOT adopted		
Article 17 – paragraph 1 a (new)	670	Melchior, Séjourné	Falls if CA 17 or 56 adopted or 50 or 638 NOT adopted		
Article 17 – paragraph 3	57	Didier	Falls if CA 17 adopted		
Article 17 – paragraph 3	671	Breyer	Falls if CA 17 adopted <i>Comp with 57</i>		
Article 17 – paragraph 4	672	Złotowski	Falls if CA 17 adopted		
Article 17 – paragraph 4	673	Maurel	Falls if CA 17 adopted <i>Comp with 672</i>		
Article 17 – paragraph 5	58	Didier	Fall if CA 17 adopted Identical		
	675	Melchior			
Article 17 – paragraph 5	674	Złotowski	Falls if CA 17 or 58 adopted		
Article 17 – paragraph 5 a (new)	676	Złotowski	Falls if CA 17 adopted		
Article 17 – paragraph 5 a (new)	677	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 17 or 676 adopted		
Article 18 Recital 45	CA 18	Rapporteur	If adopted, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 694,		

			695, 696, 697, 698, 699, 700, 701, 702, 704 and 703 fall		
Article 18 – paragraph 1 – introductory part	678	Breyer	Falls if CA 18 adopted		
Article 18 – paragraph 1 – introductory part	679	Melchior	Falls if CA 18 or 678 adopted		
Article 18 – paragraph 1 – introductory part	680	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 18 adopted <i>Comp with 678, 679</i>		
Article 18 – paragraph 1 – subparagraph 1	681	Wölken, Gebhardt, Roberti	Falls if CA 18 adopted		
Article 18 – paragraph 1 – subparagraph 1	682	Melchior, Schreinemacher, Séjourné	Falls if CA 18 adopted <i>Com with 681</i>		
Article 18 – paragraph 1 a (new)	683	Melchior, Séjourné	Falls if CA 18 adopted		
Article 18 – paragraph 2 – introductory part	684	Wölken, Gebhardt, Roberti	Falls if CA 18 adopted		
Article 18 – paragraph 2 – point a	685	Séjourné	Falls if CA 18 adopted		
Article 18 – paragraph 2 – point a	686	Breyer	Falls if CA 18 or 685 adopted		
Article 18 – paragraph 2 – point a	687	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 18, 685 or 686 adopted		
Article 18 – paragraph 2 – point a	688	Melchior, Séjourné	Falls if CA 18, 685, 686 or 687 adopted		
Article 18 – paragraph 2 –	689	Breyer	Falls if CA 18 adopted		

point a a (new)					
Article 18 – paragraph 2 – point b a (new)	690	Breyer	Falls if CA 18 adopted		
Article 18 – paragraph 2 – point b b (new)	691	Breyer	Falls if CA 18 adopted		
Article 18 – paragraph 2 – point c	692	Melchior, Schreinemacher, Séjourné	Fall if CA 18 adopted Identical		
	693	Basso, Beck, Lebreton			
Article 18 – paragraph 2 – point d	694	Melchior	Falls if CA 18 adopted		
Article 18 – paragraph 2 – point e	695	Breyer	Falls if CA 18 adopted		
Article 18 – paragraph 2 – point e	696	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 18 or 695 adopted		
Article 18 – paragraph 2 – subparagraph 1	697	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 18 adopted		
Article 18 – paragraph 3 – introductory part	698	Breyer	Falls if CA 18 adopted		
Article 18 – paragraph 3 – introductory part	699	Basso, Beck, Lebreton	Falls if CA 18 or 698 adopted		
Article 18 – paragraph 3 – subparagraph 1	700	Maurel	Falls if CA 18 adopted		
Article 18 – paragraph 3 – subparagraph 2	701	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 18 adopted		
Article 18 – paragraph 6 a (new)	702	Złotowski	Falls if CA 18 adopted		

Article 18 a (new)	704	Breyer	Falls if CA 18 or 702 adopted		
Article 18 – paragraph 6 a (new)	703	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 18 adopted		
Article 14a Recital 46	CA 15	Rapporteur	If adopted, 705, 59, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 720, 721, 722, 723, 724, 725, 728, 733, 726, 727, 729, 730, 731, 732, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 222, 11, 223, 224, 225, 226, 227 and 228 fall		
Article 19	705	Basso, Beck, Lebreton	Falls if CA 15 adopted <i>Deletion</i>		
Article 19	59	Didier	Falls if CA 15 or 705 adopted		
Article 19 – paragraph 1	706	Basso, Beck, Lebreton	Falls if CA 15, 705 or 59 adopted <i>Deletion</i>		
Article 19 – paragraph 1	707	Séjourné	Falls if CA 15, 705, 59 or 706 adopted		
Article 19 – paragraph 1	708	Złotowski	Falls if CA 15, 705, 59, 706 or 707 adopted		
Article 19 – paragraph 1	709	Maurel	Falls if CA 15, 705, 59 or 706 adopted <i>Comp with 707, 708</i>		
Article 19 – paragraph 1	710	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 15, 705, 59, 706 or 707 adopted <i>Comp with 708, 709</i>		
Article 19 – paragraph 1	711	Wölken, Gebhardt, Roberti	Falls if CA 15, 705, 59 or 706 adopted <i>Comp with 707, 708, 709, 710</i>		
Article 19 – paragraph 1 a (new)	712	Breyer	Falls if CA 15, 705 or 59 adopted		
Article 19 – paragraph 2	713	Basso, Beck, Lebreton	Falls if CA 15, 705 or 59 adopted <i>Deletion</i>		
Article 19 –	714	Basso, Beck,	Falls if CA 15, 705, 59 or 713		

paragraph 2 – point a		Lebreton	adopted <i>Deletion</i>		
Article 19 – paragraph 2 – point a	715	Séjourné	Falls if CA 15, 705, 59, 713 or 714 adopted		
Article 19 – paragraph 2 – point a	716	Złotowski	Falls if CA 15, 705, 59, 713, 714 or 715 adopted		
Article 19 – paragraph 2 – point a	717	Wölken, Gebhardt, Roberti	Falls if CA 15, 705, 59, 713, 714, 715 or 716 adopted		
Article 19 – paragraph 2 – point b	718	Basso, Beck, Lebreton	Fall if CA 15, 705, 59 or 713 adopted Identical <i>Deletion</i>		
	719	Melchior, Schreinemacher, Séjourné			
Article 19 – paragraph 2 – point b	720	Séjourné	Falls if CA 15, 705, 59, 713 or 718 adopted		
Article 19 – paragraph 2 – point b	721	Benifei	Falls if CA 15, 705, 59, 713 or 718 adopted <i>Comp with 720</i>		
Article 19 – paragraph 2 – point b	722	Wölken, Gebhardt, Roberti	Falls if CA 15, 705, 59, 713 or 718 adopted <i>Comp with 720, 721</i>		
Article 19 – paragraph 2 – point c	723	Basso, Beck, Lebreton	Falls if CA 15, 705, 59 or 713 adopted <i>Deletion</i>		
Article 19 – paragraph 2 – point c	724	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 15, 705, 59, 713 or 723 adopted		
Article 19 – paragraph 2 – point c a (new)	725	Breyer	Falls if CA 15, 705, 59 or 713 adopted		
Article 19 – paragraph 2 – point c c (new)	728	Melchior, Schreinemacher, Séjourné	Falls if CA 15, 705, 59, 713 or 725 adopted		
Article 19 – paragraph 4 a (new)	733	Złotowski	Falls if CA 15, 705, 59, 725 or 728 adopted		
Article 19 –	726	Melchior,	Falls if CA 15, 705, 59 or 713		

paragraph 2 – point c a (new)		Schreinemacher	adopted		
Article 19 – paragraph 2 – point c b (new)	727	Melchior, Schreinemacher	Falls if CA 15, 705, 59 or 713 adopted		
Article 19 – paragraph 3	729	Basso, Beck, Lebreton	Falls if CA 15, 705 or 59 adopted <i>Deletion</i>		
Article 19 – paragraph 3	730	Złotowski	Falls if CA 15, 705, 59 or 729 adopted		
Article 19 – paragraph 4	731	Basso, Beck, Lebreton	Falls if CA 15, 705 or 59 adopted <i>Deletion</i>		
Article 19 – paragraph 4	732	Złotowski	Falls if CA 15, 705, 59 or 731 adopted		
Article 19 – paragraph 4 a (new)	734	Séjourné, Vázquez Lázara	Falls if CA 15, 705 or 59 adopted		
Article 19 – paragraph 5	735	Basso, Beck, Lebreton	Falls if CA 15, 705 or 59 adopted <i>Deletion</i>		
Article 19 – paragraph 5	736	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 15, 705, 59 or 735 adopted		
Article 19 – paragraph 5	737	Breyer	Falls if CA 15, 705, 59, 735 or 736 adopted		
Article 19 – paragraph 5	738	Maurel	Falls if CA 15, 705, 59, 735 or 736 adopted <i>Comp with 737</i>		
Article 19 – paragraph 6	739	Basso, Beck, Lebreton	Falls if CA 15, 705 or 59 adopted <i>Deletion</i>		
Article 19 – paragraph 6	740	Maurel	Falls if CA 15, 705, 59 or 739 adopted		
Article 19 – paragraph 7	741	Basso, Beck, Lebreton	Falls if CA 15, 705 or 59 adopted <i>Deletion</i>		
Article 19 – paragraph 7	742	Séjourné	Falls if CA 15, 705, 59 or 741 adopted		
Article 19 – paragraph 7 a	743	Voss, Gahler, Verheyen, González	Falls if CA 15 or 705 adopted <i>Compatible with AM 59</i>		

(new)		Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Arimont			
Article 19a	CA 19	Rapporteur	If adopted, 744 fall		
Article 19 a (new)	744	Melchior, Schreinemacher, Séjourné	Falls if CA 15 or CA 19 adopted		
Article 20 Recital 47	CA 20	Rapporteur	If adopted, 745, 746, 60, 747, 748, 749, 750, 751, 753, 61, 754, 752, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 229, 230 and 231 fall		
Article 20 – paragraph 1	745	Breyer	Falls if CA 15 or CA 20 adopted <i>Deletion</i>		
Article 20 – paragraph 1	746	Basso, Beck, Lebreton	Falls if CA 20 or 745 adopted		
Article 20 – paragraph 1	60	Didier	Falls if CA 20, 745 or 746 adopted		
Article 20 – paragraph 1	747	Maurel	Falls if CA 20, 745 or 746 adopted <i>Compatible with AM 60</i>		
Article 20 – paragraph 1	748	Melchior, Séjourné	Falls if CA 20, 745, 746 or 747 adopted <i>Compatible with AM 60</i>		
Article 20 – paragraph 1	749	Séjourné	Falls if CA 20, 745, 746, 60 or 747 adopted <i>Compatible with AM 748</i>		
Article 20 – paragraph 1 a (new)	750	Maurel	Falls if CA 20 adopted		
Article 20 – paragraph 1 a (new)	751	Walsmann	Falls if CA 20 adopted		
Article 20 – paragraph 2	753	Basso, Beck, Lebreton	Falls if CA 20 adopted		
Article 20 – paragraph 2	61	Didier	Falls if CA 20 or 753 adopted		

Article 20 – paragraph 2	754	Złotowski	Falls if CA 20 adopted <i>Compatible with AM 753, 61</i>		
Article 20 – paragraph 2	752	Maurel	Falls if CA 20 or 754 adopted or 747 NOT adopted <i>Compatible with AM 753, 61</i>		
Article 20 – paragraph 3 – introductory part	755	Maurel	Falls if CA 20 adopted or 747 or 752 NOT adopted		
Article 20 – paragraph 3 – introductory part	756	Breyer	Falls if CA 20 adopted <i>Compatible with AM 755</i>		
Article 20 – paragraph 3 – point a	757	Breyer	Falls if CA 20 adopted		
Article 20 – paragraph 3 – point a	758	Basso, Beck, Lebreton	Falls if CA 20 or 757 adopted		
Article 20 – paragraph 3 – point a	759	Maurel	Falls if CA 20, 757 or 758 adopted		
Article 20 – paragraph 3 – point d	760	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 20 adopted		
Article 20 – paragraph 3 a (new)	761	Melchior, Schreinemacher, Séjourné	Falls if CA 20 or 745 adopted		
Article 20 – paragraph 3 a (new)	762	Maurel	Falls if CA 20 adopted		
Article 20 – paragraph 3 a (new)	763	Basso, Beck, Lebreton	Falls if CA 20 adopted		
Article 20 – paragraph 3 b (new)	764	Maurel	Falls if CA 20 adopted		
Article 20 – paragraph 4	765	Maurel	Falls if CA 20 adopted or 747, 752 or 755 NOT adopted		

Article 20 – paragraph 4	766	Breyer	Falls if CA 20 adopted <i>Compatible with AM 765</i>		
Article 21, Recitals 48, 48a	CA 21	Rapporteur	If adopted, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 232, 233, 234, 235 and 236 fall		
Article 21	767	Séjourné	Falls if CA 21 adopted <i>Deletion</i>		
Article 21 – paragraph 1	768	Maurel	Falls if CA 21 or 767 adopted		
Article 21 – paragraph 1	769	Walsmann	Falls if CA 21 or 767 adopted <i>Compatible with AM 768</i>		
Article 21 – paragraph 1	770	Breyer	Falls if CA 21 or 767 adopted <i>Compatible with AM 768, 769</i>		
Article 21 – paragraph 2 – introductory part	771	Maurel	Falls if CA 21 or 767 adopted		
Article 21 – paragraph 2 – subparagraph 1	772	Breyer	Falls if CA 21 or 767 adopted		
Article 21 – paragraph 2 a (new)	773	Melchior, Schreinemacher	Falls if CA 21 or 767 adopted		
Article 21 – paragraph 2 b (new)	774	Melchior, Schreinemacher, Séjourné	Falls if CA 15a, CA 21 or 767 adopted		
Article 21 – paragraph 2 c (new)	775	Melchior, Schreinemacher, Séjourné	Falls if CA 21 or 767 adopted		
Article 21 – paragraph 2 d (new)	776	Melchior, Schreinemacher, Séjourné	Falls if CA 21 or 767 adopted		
Article 22, 22a, 22b, 22c, 22d, 22e, 22f Recitals 49, 50	CA 22	Rapporteur	If adopted, 777, 779, 62, 780, 778, 781, 782, 783, 63, 784, 64, 785, 786, 65, 787, 788, 789, 791, 66, 790, 792, 793, 795, 796, 797, 794, 67, 798, 799, 800, 68, 801, 802, 803, 69, 804, 805, 806, 807, 70, 808, 71, 72, 73, 74, 75, 810, 811, 812, 237, 238, 239, 240,		

			241 and 242 fall		
Article 22 – title	777	Séjourné	Falls if CA 22 adopted		
Article 22 – paragraph 1 – introductory part	779	Walsmann	Falls if CA 22 adopted		
Article 22 – paragraph 1 – introductory part	62	Didier	Falls if CA 22 or 779 adopted		
Article 22 – paragraph 1 – introductory part	780	Séjourné	Falls if CA 22, 779 or 62 adopted		
Article 22 – paragraph 1 – introductory part	778	Maurel	Falls if CA 22, 779, 62 or 780 adopted		
Article 22 – paragraph 1 – introductory part	781	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 22, 779, 62 or 780 adopted <i>Compatible with AM 778</i>		
Article 22 – paragraph 1 – point c	782	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 22 adopted <i>Deletion</i>		
Article 22 – paragraph 1 – point c	783	Melchior, Schreinemacher, Séjourné	Falls if CA 22 or 782 adopted		
Article 22 – paragraph 1 – point c	63	Didier	Falls if CA 22, 782 or 783 adopted		
Article 22 – paragraph 1 – point d	784	Melchior, Schreinemacher, Séjourné	Falls if CA 22 adopted		
Article 22 – paragraph 1 – point f	64	Didier	Falls if CA 22 adopted		

Article 22 – paragraph 1 a (new)	785	Séjourné	Falls if CA 22 adopted		
Article 22 – paragraph 2	786	Séjourné	Falls if CA 22 adopted		
Article 22 – paragraph 2	65	Didier	Falls if CA 22 or 786 adopted		
Article 22 – paragraph 2	787	Walsmann	Falls if CA 22, 786 or 65 adopted		
Article 22 – paragraph 2	788	Maurel	Falls if CA 22, 786, 65 or 787 adopted		
Article 22 – paragraph 3 – introductory part	789	Walsmann	Falls if CA 22 adopted		
Article 22 – paragraph 3 – introductory part	791	Séjourné	Falls if CA 22 or 789 adopted		
Article 22 – paragraph 3 – introductory part	66	Didier	Falls if CA 22, 789 or 791 adopted		
Article 22 – paragraph 3 – introductory part	790	Maurel	Falls if CA 22, 789, 791 or 66 adopted		
Article 22 – paragraph 3 – subparagraph 1	792	Séjourné	Falls if CA 22 adopted		
Article 22 – paragraph 3 – subparagraph 1	793	Walsmann	Falls if CA 22 or 792 adopted		
Article 22 – paragraph 3 a (new)	795	Séjourné	Falls if CA 22 adopted		
Article 22 – paragraph 3 b (new)	796	Séjourné	Falls if CA 22 adopted		
Article 22 – paragraph 3 c (new)	797	Séjourné	Falls if CA 22 adopted		

Article 22 – paragraph 3 a (new)	794	Maurel	Falls if CA 22 or 797 adopted		
Article 22 – paragraph 4	67	Didier	Falls if CA 22 adopted		
Article 22 – paragraph 4	798	Maurel	Falls if CA 22 or 67 adopted		
Article 22 – paragraph 4	799	Séjourné	Falls if CA 22, 67 or 798 adopted		
Article 22 – paragraph 4	800	Walsmann	Falls if CA 22, 67, 798 or 799 adopted		
Article 22 – paragraph 5	68	Didier	Falls if CA 22 adopted		
Article 22 – paragraph 5	801	Maurel	Falls if CA 22 or 68 adopted		
Article 22 – paragraph 5	802	Séjourné	Falls if CA 22, 68 or 801 adopted		
Article 22 – paragraph 5	803	Walsmann	Falls if CA 22, 68, 801 or 802 adopted		
Article 22 – paragraph 6	69	Didier	Falls if CA 22 adopted		
Article 22 – paragraph 6	804	Maurel	Falls if CA 22 or 69 adopted		
Article 22 – paragraph 6	805	Séjourné	Falls if CA 22, 69 or 804 adopted		
Article 22 – paragraph 6	806	Walsmann	Falls if CA 22, 69, 804 or 805 adopted		
Article 22 – paragraph 7	807	Séjourné	Falls if CA 22 adopted <i>Deletion</i>		
Article 22 – paragraph 7	70	Didier	Fall if CA 22 or 807 adopted Identical		
	809	Walsmann			
Article 22 – paragraph 7	808	Maurel	Falls if CA 22, 807 or 70 adopted		
Article 22 a (new)	71	Didier	Falls if CA 22 adopted		
Article 22 b (new)	72	Didier	Falls if CA 22 adopted		
Article 22 c	73	Didier	Falls if CA 22 adopted		

(new)					
Article 22 d (new)	74	Didier	Falls if CA 22 adopted		
Article 22 e (new)	75	Didier	Falls if CA 22 adopted		
Article 22 a (new)	810	Séjourné	Falls if CA 22, 72, 73, 74 or 75 adopted		
Article 22 a (new)	811	Walsmann	Falls if CA 22, 72, 73, 74 or 810 adopted <i>Compatible with AM 75</i>		
Article 22 b (new)	812	Séjourné	Falls if CA 22, 72, 73, 74, 75, 810 or 811 adopted		
Article 23 Recital 51	CA 23	Rapporteur	If adopted, 813, 814, 815, 816, 817, 818, 819, 820 and 243 fall		
Article 23 – paragraph 1 – point a	813	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 23 adopted		
Article 23 – paragraph 1 – point b	814	Breyer	Falls if CA 23 adopted		
Article 23 – paragraph 1 – point b	815	Basso, Beck, Lebreton	Falls if CA 23 or 814 adopted		
Article 23 – paragraph 1 – point c a (new)	816	Melchior, Séjourné	Falls if CA 23 adopted		
Article 23 – paragraph 2	817	Basso, Beck, Lebreton	Falls if CA 23 adopted		
Article 23 – paragraph 2	818	Złotowski	Falls if CA 23 adopted <i>Compatible with AM 817</i>		
Article 23 – paragraph 4	819	Séjourné	Falls if CA 23 adopted		
Article 23 – paragraph 4 a (new)	820	Melchior, Schreinemacher	Falls if CA 23 adopted		
Article 24 – recital 52	CA 24	Rapporteur	If adopted, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 244,		

			245, 246 and 247 fall		
Article 23 a (new)	821	Melchior, Séjourné	Falls if CA 24 adopted		
Article 24	822	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 24 adopted <i>Deletion</i>		
Article 24 – title	823	Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 – introductory part	824	Melchior, Schreinemacher, Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 – point a	825	Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 – point b	826	Melchior	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 – point b	827	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 24, 822 or 826 adopted		
Article 24 – paragraph 1 – point c	828	Melchior, Schreinemacher, Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 – point c a (new)	829	Melchior, Schreinemacher, Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 – point c b (new)	830	Melchior, Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 a (new)	831	Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 a (new)	832	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 a (new)	833	Melchior, Séjourné	Falls if CA 24 or 822 adopted		

Article 24 – paragraph 1 b (new)	834	Melchior, Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 b (new)	835	Séjourné	Falls if CA 24 or 822 adopted or 831 NOT adopted		
Article 24 – paragraph 1 c (new)	836	Séjourné, Vázquez Lázara	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 c (new)	837	Melchior, Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 d (new)	838	Melchior, Séjourné	Falls if CA 24 or 822 adopted		
Article 24 – paragraph 1 d (new)	839	Séjourné	Falls if CA 24 or 822 adopted or 825 NOT adopted		
Article 24 – paragraph 1 e (new)	840	Melchior, Vautmans, Ijabs, Rafaela	Falls if CA 24 or 822 adopted		
Article 24 a (new)	841	Didier	Falls if CA 24 or 821 adopted		
Article 25, title of section 4 Recitals 53, 54, 55	CA 25	Rapporteur	If adopted, 842, 76, 77, 845, 846, 847, 848, 849, 850, 851, 852, 248, 249, 250, 251, 252, 253 and 254 fall		
Chapter III – Section 4 – title	842	Séjourné	Falls if CA 25 adopted		
Article 25 – title	76	Didier	Fall if CA 25 adopted Identical		
	843	Séjourné, Vázquez Lázara			
Article 25 – paragraph 1	77	Didier	Fall if CA 25 adopted Identical		
	844	Séjourné			
Article 25 – paragraph 1	845	Złotowski	Falls if CA 25 adopted <i>Compatible with AM 77, 844</i>		
Article 25 – paragraph 1	846	Wölken, Gebhardt, Roberti	Falls if CA 25 adopted <i>Compatible with AM 77, 844, 845</i>		
Article 25 –	847	Złotowski	Falls if CA 25 adopted		

paragraph 3					
Article 25 – paragraph 4 – introductory part	848	Basso, Beck, Lebreton	Falls if CA 25 adopted		
Article 25 – paragraph 4 – introductory part	849	Złotowski	Falls if CA 25 adopted <i>Compatible with AM 848</i>		
Article 25 – paragraph 4 a (new)	850	Złotowski	Falls if CA 25 adopted		
Article 25 – paragraph 4 b (new)	851	Złotowski	Falls if CA 25 adopted		
Article 25 – paragraph 4 c (new)	852	Złotowski	Falls if CA 25 adopted or 850 or 851 NOT adopted		
Article 26 Recitals 56, 57	CA 26	Rapporteur	If adopted, 853, 854, 78, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 255, 256, 257, 258 and 259 fall		
Article 26 – title	853	Breyer	Falls if CA 26 adopted		
Article 26 – paragraph 1 – introductory part	854	Séjourné	Falls if CA 26 adopted		
Article 26 – paragraph 1 – introductory part	78	Didier	Falls if CA 26 adopted <i>Compatible with AM 854</i>		
Article 26 – paragraph 1 – introductory part	855	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 26 adopted <i>Compatible with AM 854, 78</i>		
Article 26 – paragraph 1 – introductory part	856	Melchior, Vautmans, Schreinemacher, Ijabs, Rafaela, Šimečka, Séjourné	Falls if CA 26 or 854 adopted <i>Compatible with AM 78, 855</i>		

Article 26 – paragraph 1 – introductory part	857	Breyer	Falls if CA 26 or 854 adopted <i>Compatible with AM 78, AM 855, 856</i>		
Article 26 – paragraph 1 – introductory part	858	Maurel	Falls if CA 26, 854, 78 or 857 adopted <i>Compatible with AM 855, 856</i>		
Article 26 – paragraph 1 – point a	859	Séjourné	Falls if CA 26 adopted		
Article 26 – paragraph 1 – point a	860	Melchior, Séjourné	Falls if CA 26 or 859 adopted		
Article 26 – paragraph 1 – point a	861	Basso, Beck, Lebreton	Falls if CA 26 adopted <i>Compatible with AM 859, 860</i>		
Article 26 – paragraph 1 – point a	862	Breyer	Falls if CA 26 adopted <i>Compatible with AM 859, 860, 861</i>		
Article 26 – paragraph 1 – point a a (new)	863	Séjourné	Falls if CA 26 adopted		
Article 26 – paragraph 1 – point b	864	Melchior, Rafaela, Vautmans, Schreinemacher, Ijabs, Šimečka, Séjourné	Falls if CA 26 adopted		
Article 26 – paragraph 1 – point b	865	Voss, Halicki, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 26 adopted <i>Compatible with AM 864</i>		
Article 26 – paragraph 1 – point b	866	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 26, 864 or 865 adopted		
Article 26 – paragraph 1 – point b	867	Złotowski	Falls if CA 26, 865 or 866 adopted <i>Compatible with AM 864</i>		
Article 26 – paragraph 1 –	868	Maurel	Falls if CA 26 or 867 adopted <i>Compatible with AM 864, 865,</i>		

point b			866		
Article 26 – paragraph 1 – point c	869	Melchior, Schreinemacher, Séjourné	Falls if CA 26 adopted		
Article 26 – paragraph 1 – point c	870	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 26 adopted <i>Compatible with AM 869</i>		
Article 26 – paragraph 1 – point c	871	Breyer	Falls if CA 26 or 869 adopted <i>Compatible with AM 870</i>		
Article 26 – paragraph 1 – point c a (new)	872	Basso, Beck, Lebreton	Falls if CA 26 adopted		
Article 26 – paragraph 2	873	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 26 adopted		
Article 26 – paragraph 2	874	Breyer	Falls if CA 26 adopted <i>Compatible with AM 873</i>		
Article 26 – paragraph 2	875	Basso, Beck, Lebreton	Falls if CA 26 adopted <i>Compatible with AM 873, 874</i>		
Article 26 – paragraph 2	876	Maurel	Falls if CA 26 adopted <i>Compatible with AM 873, 874, 875</i>		
Article 26 – paragraph 2 a (new)	877	Melchior, Séjourné	Falls if CA 26 adopted		
Article 26 – paragraph 2 a (new)	878	Breyer	Falls if CA 26 adopted		
Article 27 Recitals 58, 59, 63	CA 27	Rapporteur	If adopted, 879, 880, 79, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 893, 894, 896, 897, 898, 899, 900, 80, 901, 902, 903, 904, 905, 906, 907, 908, 909, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 279, 280 and 281 fall		

Article 27 – title	879	Breyer	Falls if CA 27 adopted		
Article 27 – paragraph 1 – introductory part	880	Breyer	Falls if CA 27 adopted		
Article 27 – paragraph 1 – introductory part	79	Didier	Falls if CA 27 adopted <i>Compatible with AM 880</i>		
Article 27 – paragraph 1 – introductory part	881	Séjourné	Falls if CA 27 or 880 adopted <i>Compatible with AM 79</i>		
Article 27 – paragraph 1 – introductory part	882	Melchior, Schreinemacher, Vautmans, Ijabs, Rafaela, Šimečka, Séjourné	Falls if CA 27 or 880 adopted <i>Compatible with AM 79, 881</i>		
Article 27 – paragraph 1 – introductory part	883	Maurel	Falls if CA 27 adopted <i>Compatible with AM 880, 79, 881, 882</i>		
Article 27 – paragraph 1 – point a	884	Maurel	Falls if CA 27 adopted		
Article 27 – paragraph 1 – point a	885	Melchior, Schreinemacher, Séjourné	Falls if CA 27 adopted <i>Compatible with AM 884</i>		
Article 27 – paragraph 1 – point a	886	Basso, Beck, Lebreton	Falls if CA 27 adopted <i>Compatible with AM 884, 885</i>		
Article 27 – paragraph 1 – point a a (new)	887	Breyer	Falls if CA 27 adopted		
Article 27 – paragraph 1 – point a b (new)	888	Breyer	Falls if CA 27 adopted		
Article 27 – paragraph 1 – point b	889	Melchior, Séjourné	Falls if CA 27 adopted		
Article 27 –	890	Breyer	Falls if CA 27 adopted		

paragraph 1 – point c					
Article 27 – paragraph 1 – point d	891	Breyer	Fall if CA 27 adopted Identical <i>Deletion</i>		
	892	Basso, Beck, Lebreton			
Article 27 – paragraph 1 – point d a (new)	893	Walsmann	Falls if CA 27 adopted or 751 NOT adopted		
Article 27 – paragraph 1 – point e	894	Maurel	Fall if CA 27 adopted Identical <i>Deletion</i>		
	895	Breyer			
Article 27 – paragraph 1 – subparagraph 1 (new)	896	Breyer	Falls if CA 27 adopted		
Article 27 – paragraph 1 a (new)	897	Séjourné	Falls if CA 27 adopted		
Article 27 – paragraph 1 a (new)	898	Melchior, Vautmans, Ijabs, Rafaela, Šimečka, Séjourné	Falls if CA 27 or 897 adopted		
Article 27 – paragraph 1 b (new)	899	Melchior, Schreinemacher, Séjourné	Falls if CA 27 or 897 adopted		
Article 27 – paragraph 2 – introductory part	900	Melchior, Schreinemacher, Séjourné	Falls if CA 27 adopted		
Article 27 – paragraph 2 – point a	80	Didier	Falls if CA 27 adopted		
Article 27 – paragraph 2 – point a	901	Breyer	Falls if CA 27 adopted <i>Compatible with AM 80</i>		
Article 27 – paragraph 2 – point a	902	Wölken, Gebhardt, Roberti	Falls if CA 27 or 901 adopted <i>Compatible with AM 80</i>		
Article 27 – paragraph 2 – point a	903	Melchior, Séjourné	Falls if CA 27, 901 or 902 adopted <i>Compatible with AM 80</i>		
Article 27 –	904	Basso, Beck,	Falls if CA 27 adopted		

paragraph 2 – point b		Lebreton	<i>Deletion</i>		
Article 27 – paragraph 2 – point b	905	Breyer	Falls if CA 27 or 904 adopted		
Article 27 – paragraph 2 – point b	906	Maurel	Falls if CA 27 or 904 adopted <i>Compatible with AM 905</i>		
Article 27 – paragraph 3	907	Basso, Beck, Lebreton	Falls if CA 27 adopted <i>Deletion</i>		
Article 27 – paragraph 3	908	Melchior, Vautmans, Ijabs, Rafaela	Falls if CA 27 or 907 adopted		
Article 27 – paragraph 3	909	Breyer	Falls if CA 27, 907 or 908 adopted		
Article 27 a (new)	910	Złotowski			
Article 28 Recitals 60, 61	CA 28	Rapporteur	If adopted, 911, 912, 913, 914, 918, 919, 920, 921, 922, 923, 924, 925, 270, 271 and 272 fall		
Article 28 – paragraph 1 – introductory part	911	Séjourné	Falls if CA 28 adopted		
Article 28 – paragraph 1 – introductory part	912	Maurel	Falls if CA 28 adopted <i>Compatible with AM 911</i>		
Article 28 – paragraph 1 – introductory part	913	Breyer	Fall if CA 28 adopted Vote together <i>(917 deletion)</i> <i>Compatible with AM 911, 912</i>		
Article 28 – paragraph 1 – point a	916	Breyer			
Article 28 – paragraph 1 – point b	917	Breyer			
Article 28 – paragraph 1 – point a	914	Melchior, Šimečka	Fall if CA 28 or 913 adopted Identical		
	915	Séjourné			

Article 28 – paragraph 1 – point b	918	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 28 or 913 adopted		
Article 28 – paragraph 2 – introductory part	919	Melchior, Vautmans, Séjourné	Falls if CA 28 adopted		
Article 28 – paragraph 2 – point c a (new)	920	Séjourné	Falls if CA 28 or 919 adopted		
Article 28 – paragraph 3 – point f a (new)	921	Séjourné	Falls if CA 28 adopted		
Article 28 – paragraph 3 – point f b (new)	922	Séjourné	Falls if CA 28 adopted		
Article 28 – paragraph 4	923	Basso, Beck, Lebreton	Falls if CA 28 adopted		
Article 28 – paragraph 4	924	Breyer	Falls if CA 28 adopted <i>Compatible with AM 923</i>		
Article 28 – paragraph 4	925	Maurel	Falls if CA 28 adopted <i>Compatible with AM 923, 924</i>		
Article 29 Recital 62	CA 29	Rapporteur	If adopted, 926, 931, 927, 928, 929, 930, 932, 933, 934, 935, 936, 938, 939, 940, 941, 942, 943, 944, 273, 274, 275, 276 and 277 fall		
Article 29	926	Didier	Falls if CA 29 adopted <i>Deletion</i>		
Article 29 – paragraph 1	931	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 29 or 926 adopted		
Article 29 – paragraph 1	927	Maurel	Falls if CA 29, 926 or 931 adopted		
Article 29 – paragraph 1	928	Breyer	Falls if CA 29, 926, 931 or 927 adopted		

Article 29 – paragraph 1	929	Melchior, Schreinemacher, Séjourné	Falls if CA 29, 926, 931, 927 or 928 adopted		
Article 29 – paragraph 1	930	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 29, 926, 931, 927 or 928 adopted <i>Compatible with AM 929</i>		
Article 29 – paragraph 1	932	Złotowski	Falls if CA 29, 926, 931, 927, 928, 929 or 930 adopted		
Article 29 – paragraph 1 a (new)	933	Złotowski	Falls if CA 29, 926, 931 or 929 adopted		
Article 29 – paragraph 1 a (new)	934	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 29, 926 or 933 adopted		
Article 29 – paragraph 1 a (new)	935	Voss, Halicki, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda, Arimont	Fall if CA 29 or 926 adopted Identical		
	937	Złotowski			
Article 29 – paragraph 1 b (new)	936	Złotowski	Falls if CA 29, 926 or 930 adopted		
Article 29 – paragraph 2	938	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 29 or 926 adopted <i>Deletion</i>		
Article 29 – paragraph 2	939	Złotowski	Falls if CA 29, 926 or 938 adopted		
Article 29 – paragraph 2	940	Melchior	Falls if CA 29, 926 or 938 adopted <i>Compatible with AM 939</i>		
Article 29 – paragraph 2	941	Maurel	Falls if CA 29, 926 or 938 adopted <i>Compatible with AM 939, 940</i>		
Article 29 – paragraph 2 a (new)	942	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 29 or 926 adopted		

Article 29 – paragraph 2 a (new)	943	Breyer	Falls if CA 29, 926 or 942 adopted		
Article 29 – paragraph 2 a (new)	944	Séjourné	Falls if CA 29 or 926 adopted		
Article 30 Recital 63	CA 30	Rapporteur	If adopted, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 81, 957, 958, 959, 960, 961, 962, 963, 279, 280 and 281 fall		
Article 30 – title	945	Melchior, Vautmans, Séjourné	Falls if CA 30 adopted		
Article 30 – paragraph 1	946	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 30 adopted		
Article 30 – paragraph 1	947	Séjourné	Falls if CA 30 adopted <i>Compatible with AM 946</i>		
Article 30 – paragraph 1	948	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 30 or 946 adopted <i>Compatible with AM 947</i>		
Article 30 – paragraph 1	949	Maurel	Falls if CA 30 adopted <i>Compatible with AM 946, 947, 948</i>		
Article 30 – paragraph 2 – point a	950	Melchior, Séjourné	Falls if CA 30 adopted		
Article 30 – paragraph 2 – point b	951	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 30 adopted		
Article 30 – paragraph 2 – point b a (new)	952	Melchior, Schreinemacher, Séjourné	Falls if CA 30 or 951 adopted		
Article 30 – paragraph 2 – point d	953	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 30 adopted <i>Deletion</i>		
Article 30 – paragraph 2 – point e	954	Voss, González Pons, Regimenti, Hohlmeier, Wieland,	Falls if CA 30 adopted <i>Deletion</i>		

		Caspary, Zarzalejos, Schulze, Doleschal			
Article 30 – paragraph 2 – point e	955	Melchior	Falls if CA 30 or 954 adopted		
Article 30 – paragraph 2 – point e a (new)	956	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 30 adopted		
Article 30 – paragraph 2 a (new)	81	Didier	Falls if CA 30 adopted		
Article 30 – paragraph 2 a (new)	957	Melchior, Schreinemacher	Falls if CA 30 adopted		
Article 30 – paragraph 2 a (new)	958	Séjourné	Falls if CA 30 adopted		
Article 30 – paragraph 2 b (new)	959	Séjourné	Falls if CA 30 adopted		
Article 30 – paragraph 2 b (new)	960	Melchior, Schreinemacher, Séjourné	Falls if CA 30 adopted		
Article 30 – paragraph 2 c (new)	961	Séjourné	Falls if CA 30 or 81 adopted		
Article 30 – paragraph 2 c (new)	962	Melchior, Schreinemacher, Séjourné	Falls if CA 30 adopted		
Article 30 – paragraph 2 d (new)	963	Melchior, Schreinemacher, Séjourné	Falls if CA 30 adopted		
Article 31 Recital 64	CA 31	Rapporteur	If adopted, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 282, 283, 284, 285, 286 and 287 fall		
Article 31 – paragraph 1	964	Séjourné	Falls if CA 31 adopted		
Article 31 – paragraph 1	965	Maurel	Falls if CA 31 or 964 adopted		

Article 31 – paragraph 1	966	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 31 or 964 adopted <i>Compatible with AM 965</i>		
Article 31 – paragraph 1	967	Basso, Beck, Lebreton	Falls if CA 31 adopted <i>Compatible with AM 964, 965, 966</i>		
Article 31 – paragraph 2	968	Séjourné	Falls if CA 31 adopted		
Article 31 – paragraph 2	969	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 31 adopted <i>Compatible with AM 968</i>		
Article 31 – paragraph 2	970	Maurel	Falls if CA 31 adopted <i>Compatible with AM 968, 969</i>		
Article 31 – paragraph 3	971	Breyer	Falls if CA 31 adopted <i>Deletion</i>		
Article 31 – paragraph 3	972	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 31 or 971 adopted		
Article 31 – paragraph 3	973	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 31 or 971 adopted <i>Compatible with AM 972</i>		
Article 31 – paragraph 3	974	Maurel	Falls if CA 31 or 971 adopted <i>Compatible with AM 972, 973</i>		
Article 31 – paragraph 4	975	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 31 adopted		
Article 31 – paragraph 4	976	Séjourné	Falls if CA 31 or 975 adopted		
Article 31 – paragraph 5	977	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 31 adopted		
Article 31 – paragraph 5	978	Maurel	Falls if CA 31 adopted <i>Compatible with AM 977</i>		
Article 31 –	979	Séjourné	Falls if CA 31 adopted		

paragraph 6 – introductory part					
Article 31 – paragraph 6 – introductory part	980	Maurel	Falls if CA 31 or 979 adopted		
Article 31 – paragraph 6 – introductory part	981	Basso, Beck, Lebreton	Falls if CA 31 adopted <i>Compatible with AM 979, 980</i>		
Article 31 – paragraph 6 – point a	982	Maurel	Falls if CA 31 adopted <i>Deletion</i>		
Article 31 – paragraph 6 – point a	983	Séjourné	Falls if CA 31 or 982 adopted		
Article 31 – paragraph 6 – point b	984	Maurel	Falls if CA 31 adopted <i>Deletion</i>		
Article 31 – paragraph 6 – point b	985	Séjourné	Falls if CA 31 or 984 adopted		
Article 31 – paragraph 7	986	Maurel	Falls if CA 31 adopted <i>Deletion</i>		
Article 31 – paragraph 7 – subparagraph 1	987	Basso, Beck, Lebreton	Falls if CA 31 or 986 adopted		
Article 31 – paragraph 7 a (new)	988	Séjourné	Falls if CA 31 adopted		
Article 31 – paragraph 7 b (new)	989	Séjourné	Falls if CA 31 adopted		
Article 32 Recital 65, 65a	CA 32	Rapporteur	If adopted, 990, 992, 994, 1006, 1007, 288, 289 and 290 fall		
Article 32 – paragraph 1	990	Maurel	Fall if CA 32 adopted Vote together		
Article 32 – paragraph 2	991	Maurel			

Article 32 – paragraph 4	993	Maurel			
Article 32 – paragraph 5	995	Maurel			
Article 32 – paragraph 6	996	Maurel			
Article 32 – paragraph 3 – point a	992	Basso, Beck, Lebreton	Falls if CA 32 adopted		
Article 32 – paragraph 5	994	Basso, Beck, Lebreton	Falls if CA 32 adopted <i>Compatible with AM 995</i>		
Article 33	CA 33	Rapporteur	If adopted, 997, 1000, 1001, 1002, 1003, 1004 and 1005 fall		
Article 33 – title	997	Maurel	Fall if CA 33 adopted Vote together		
Article 33 – paragraph 1	998	Maurel			
Article 33 – paragraph 2 – introductory part	999	Maurel			
Article 33 – paragraph 2 – introductory part	1000	Basso, Beck, Lebreton	Falls if CA 33 adopted <i>Compatible with AM 999</i>		
Article 33 – paragraph 2 – point a	1001	Breyer	Falls if CA 33 adopted		
Article 33 – paragraph 2 – point b	1002	Breyer	Falls if CA 33 adopted		
Article 33 – paragraph 2 a (new)	1003	Melchior, Schreinemacher, Séjourné	Falls if CA 33 adopted		
Article 33 – paragraph 3	1004	Maurel	Falls if CA 33 adopted <i>Deletion</i>		
Article 33 – paragraph 3	1005	Basso, Beck, Lebreton	Falls if CA 33 or 1004 adopted		
Article 33 a	1006	Wölken, Gebhardt,	Falls if CA 32 adopted		

(new)		Roberti, Schaldemose, Benifei			
Article 33 a (new)	1007	Breyer	Falls if CA 32 or 1006 adopted		
Article 34 Recital 66	CA 34	Rapporteur	If adopted, 1008, 1009, 1010, 1011, 291 and 292 fall		
Article 34 – paragraph 1 – point b	1008	Basso, Beck, Lebreton	Falls if CA 34 adopted <i>Deletion</i>		
Article 34 – paragraph 1 – point f	1009	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 34 adopted <i>Deletion</i>		
Article 34 – paragraph 1 a (new)	1010	Melchior, Schreinemacher, Vautmans, Séjourné	Falls if CA 34 adopted		
Article 34 – paragraph 2 a (new)	1011	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 34 adopted		
Article 35 Recitals 67, 68, 69	CA 35	Rapporteur	If adopted, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302 and 303 fall		
Article 35	1012	Maurel	Falls if CA 35 adopted <i>Deletion</i>		
Article 35 – paragraph 1	1013	Séjourné	Falls if CA 35 or 1012 adopted		
Article 35 – paragraph 1	1014	Złotowski	Falls if CA 35 or 1012 adopted <i>Compatible with AM 1013</i>		
Article 35 – paragraph 1	1015	Breyer	Falls if CA 35, 1012 or 1014 adopted <i>Compatible with AM 1013</i>		
Article 35 – paragraph 2	1016	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos,	Falls if CA 35 or 1012 adopted		

		Schulze, Doleschal, Buda			
Article 35 – paragraph 2	1017	Basso, Beck, Lebreton	Falls if CA 35 or 1012 adopted <i>Compatible with AM 1016</i>		
Article 35 – paragraph 2	1018	Złotowski	Falls if CA 35 or 1012 adopted <i>Compatible with AM 1016, 1017</i>		
Article 35 – paragraph 2	1019	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 35 or 1012 adopted <i>Compatible with AM 1016, 1017, 1018</i>		
Article 35 – paragraph 2	1020	Breyer	Falls if CA 35 or 1012 adopted <i>Compatible with AM 1016, 1017, 1018, 1019</i>		
Article 35 – paragraph 2	1021	Séjourné	Falls if CA 35, 1012 or 1018 adopted <i>Compatible with AM 1016, 1017, 1019, 1020</i>		
Article 35 – paragraph 3	1022	Breyer	Falls if CA 35 or 1012 adopted <i>Deletion</i>		
Article 35 – paragraph 3	1023	Melchior, Séjourné	Falls if CA 35, 1012 or 1022 adopted		
Article 35 – paragraph 3	1024	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 35, 1012 or 1022 adopted <i>Compatible with AM 1023</i>		
Article 35 – paragraph 3	1025	Basso, Beck, Lebreton	Falls if CA 35, 1012, 1022 or 1023 adopted <i>Compatible with AM 1024</i>		
Article 35 – paragraph 4	1026	Melchior, Séjourné	Falls if CA 35 or 1012 adopted		
Article 35 – paragraph 4	1027	Breyer	Falls if CA 35 or 1012 adopted <i>Compatible with AM 1026</i>		

Article 35 – paragraph 5	1028	Séjourné	Falls if CA 35 or 1012 adopted		
Article 35 – paragraph 5	1029	Breyer	Falls if CA 35 or 1012 adopted <i>Compatible with AM 1028</i>		
Article 36 Recital 70	CA 36	Rapporteur	If adopted, 1030, 1032, 1031, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 304 and 305 fall		
Article 36	1030	Maurel	Falls if CA 36 adopted <i>Deletion</i>		
Article 36 – paragraph 1	1032	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 36 or 1030 adopted		
Article 36 – paragraph 1	1031	Stancanelli	Falls if CA 36, 1030 or 1032 adopted		
Article 36 – paragraph 1	1033	Breyer	Falls if CA 36 or 1030 adopted <i>Compatible with AM 1031, 1032</i>		
Article 36 – paragraph 2 – introductory part	1034	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 36 or 1030 adopted		
Article 36 – paragraph 2 – point a	1035	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 36 or 1030 adopted <i>Deletion</i>		
Article 36 – paragraph 2 – point b	1036	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 36 or 1030 adopted <i>Deletion</i>		
Article 36 – paragraph 2 – point b a (new)	1037	Stancanelli	Falls if CA 36 or 1030 adopted		
Article 36 – paragraph 2 –	1038	Melchior, Séjourné	Falls if CA 36, 1030 or 1037 adopted		

point b a (new)					
Article 36 – paragraph 3	1039	Breyer	Falls if CA 36 or 1030 adopted <i>Deletion</i>		
Article 36 – paragraph 3	1040	Séjourné	Falls if CA 36, 1030 or 1039 adopted		
Article 36 – paragraph 3 a (new)	1041	Séjourné	Falls if CA 36 or 1030 adopted		
Article 36 a (new)	1042	Melchior, Schreinemacher, Vautmans, Séjourné	Falls if CA 36 adopted		
Article 37 Recital 71	CA 37	Rapporteur	If adopted, 1043, 1045, 1046, 1047, 82, 1048, 306, 307, 308 and 309 fall		
Article 37	1043	Maurel	Fall if CA 37 adopted Identical <i>Deletion</i>		
	1044	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal			
Article 37 – paragraph 1	1045	Breyer	Falls if CA 37 or 1043 adopted		
Article 37 – paragraph 2 – introductory part	1046	Breyer	Falls if CA 37 or 1043 adopted		
Article 37 – paragraph 3	1047	Breyer	Falls if CA 37 or 1043 adopted		
Article 37 – paragraph 5	82	Didier	Falls if CA 37 or 1043 adopted		
Article 37 a (new)	1048	Breyer	Falls if CA 37 adopted		
Article 38, 39 Recitals 73, 74	CA 38	Rapporteur	If adopted, 83, 1049, 1050, 1051, 310 and 311 fall		
Article 38 – paragraph 2 – introductory part	83	Didier	Falls if CA 38 adopted		
Article 38 –	1049	Basso, Beck,	Falls if CA 38 adopted		

paragraph 3 a (new)		Lebreton			
Article 38 – paragraph 4 a (new)	1050	Melchior	Falls if CA 38 adopted		
Article 39 – paragraph 3	1051	Wölken, Gebhardt, Roberti	Falls if CA 38 adopted		
Article 40	CA 39	Rapporteur	If adopted, 1052, 1053, 84, 1054, 85, 86, 1055, 1056, 1057, 312, 313, 314 and 315 fall		
Article 40 – paragraph 1	1052	Basso, Beck, Lebreton	Falls if CA 39 adopted		
Article 40 – paragraph 1	1053	Melchior, Séjourné	Falls if CA 39 adopted <i>Compatible with AM 1052</i>		
Article 40 – paragraph 1	84	Didier	Falls if CA 39 adopted <i>Compatible with AM 1052, 1053</i>		
Article 40 – paragraph 1 a (new)	1054	Séjourné	Falls if CA 39 adopted		
Article 40 – paragraph 1 a (new)	85	Didier	Falls if CA 39, 84 or 1054 adopted		
Article 40 – paragraph 1 b (new)	86	Didier	Falls if CA 39, 1053 or 1054 adopted		
Article 40 – paragraph 3 a (new)	1055	Złotowski	Falls if CA 39, 1052, 1053, 84, 1054, 85 or 86 adopted		
Article 40 – paragraph 4	1056	Séjourné	Falls if CA 39 adopted		
Article 40 – paragraph 4 a (new)	1057	Basso, Beck, Lebreton	Falls if CA 39 adopted		
Article 41 Recitals 77, 78	CA 40	Rapporteur	If adopted, 1058, 1059, 316 and 317 fall		
Article 41 – paragraph 2 – point e	1058	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos,	Falls if CA 40 adopted		

		Schulze, Doleschal, Buda			
Article 41 – paragraph 3 a (new)	1059	Séjourné	Falls if CA 40 adopted		
Article 42	CA 41	Rapporteur	If adopted, 1060, 1061, 1062, 1063 and 87 fall		
Article 42 – paragraph 1	1060	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 41 adopted		
Article 42 – paragraph 2	1061	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 41 adopted		
Article 42 – paragraph 3	1062	Maurel	Falls if CA 41 adopted		
Article 42 – paragraph 3	1063	Maurel	Falls if CA 41 adopted <i>Compatible with AM 1062</i>		
Article 42 a (new)	87	Didier	Falls if CA 41 adopted		
Articles 43, 43a Recital 81	CA 42	Rapporteur	If adopted, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074 and 318 fall		
Article 43 – title	1064	Breyer	Falls if CA 42 adopted		
Article 43 – title	1065	Maurel	Falls if CA 42 or 1064 adopted		
Article 43 – paragraph 1	1066	Złotowski	Falls if CA 42 adopted		
Article 43 – paragraph 1	1067	Maurel	Falls if CA 42 adopted <i>Compatible with AM 1066</i>		
Article 43 – paragraph 1	1068	Basso, Beck, Lebreton	Falls if CA 42 adopted <i>Compatible with AM 1066, 1067</i>		
Article 43 –	1069	Wölken, Gebhardt,	Falls if CA 42 adopted		

paragraph 1 a (new)		Roberti			
Article 43 – paragraph 1 a (new)	1070	Złotowski	Falls if CA 42 adopted		
Article 43 – paragraph 1 a (new)	1071	Breyer	Falls if CA 42 or 1070 adopted		
Article 43 – paragraph 1 a (new)	1072	Séjourné	Falls if CA 42 or 1070 adopted		
Article 43 – paragraph 1 b (new)	1073	Breyer	Falls if CA 42 or 1070 adopted		
Article 43 a (new)	1074	Séjourné, Vázquez Lázara	Falls if CA 42 or 1073 adopted		
Article 44	CA 43	Rapporteur	If adopted, 88, 1075, 1076, 1077, 1078 and 1079 fall		
Article 44 – paragraph 1	88	Didier	Falls if CA 43 adopted		
Article 44 – paragraph 1	1075	Maurel	Falls if CA 43 or 88 adopted		
Article 44 – paragraph 2 – point a	1076	Złotowski	Falls if CA 43 adopted		
Article 44 – paragraph 2 – point a	1077	Breyer	Falls if CA 43 adopted <i>Compatible with AM 1076</i>		
Article 44 – paragraph 2 a (new)	1078	Złotowski	Falls if CA 43 adopted		
Article 44 – paragraph 3 a (new)	1079	Złotowski	Falls if CA 43 adopted		
Article 45 Recital 85	CA 44	Rapporteur	If adopted, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 319 and 320 fall		
Article 45 – paragraph 1 –	1080	Séjourné	Falls if CA 44 adopted		

subparagraph 1					
Article 45 – paragraph 1 – subparagraph 1	1081	Basso, Beck, Lebreton	Falls if CA 44 adopted <i>Compatible with AM 1080</i>		
Article 45 – paragraph 1 a (new)	1082	Złotowski	Falls if CA 44 adopted		
Article 45 – paragraph 2 – introductory part	1083	Séjourné	No vote Falls if CA 44 adopted or 1080 NOT adopted Otherwise deemed adopted		
Article 45 – paragraph 2 a (new)	1084	Stancanelli	Falls if CA 44 adopted		
Article 45 – paragraph 2 a (new)	1085	Złotowski	Falls if CA 44 adopted		
Article 45 – paragraph 3	1086	Séjourné	Falls if CA 44 adopted or 1080 NOT adopted		
Article 45 – paragraph 3	1087	Basso, Beck, Lebreton	No vote Falls if CA 44 adopted or 1081 NOT adopted Otherwise deemed adopted <i>Compatible with AM 1086</i>		
Article 45 – paragraph 4	1088	Melchior, Schreinemacher, Séjourné	Falls if CA 44 adopted		
Article 45 – paragraph 4	1089	Séjourné	Falls if CA 44 or 1088 adopted		
Article 45 – paragraph 4	1090	Basso, Beck, Lebreton	No vote Falls if CA 44 adopted or 1081 NOT adopted Otherwise deemed adopted <i>Compatible with AM 1088, 1089</i>		
Article 45 – paragraph 5	1091	Basso, Beck, Lebreton	Falls if CA 44 adopted		
Article 45 – paragraph 5	1092	Séjourné	Falls if CA 44 adopted <i>Compatible with AM 1091</i>		
Article 45 – paragraph 6	1093	Séjourné	Falls if CA 44 adopted		

Article 45 – paragraph 6	1094	Basso, Beck, Lebreton	Falls if CA 44 adopted <i>Compatible with 1093</i>		
Article 45 – paragraph 7	1095	Séjourné	Falls if CA 44 adopted or 1093 NOT adopted		
Article 45 – paragraph 7	1096	Złotowski	Falls if CA 44 adopted <i>Compatible with AM 1095</i>		
Article 45 – paragraph 7	1097	Basso, Beck, Lebreton	No vote Falls if CA 44 adopted or 1081 NOT adopted Otherwise deemed adopted <i>Compatible with AM 1095, 1096</i>		
Articles 46, 47, 48 Recitals 87 to 92	CA 45	Rapporteur	If adopted, 1098, 1099, 1100, 1101, 1102, 1103, 89, 1104, 321, 322, 323, 324, 325, 326, 327 and 328 fall		
Article 46 – title	1098	Séjourné	Falls if CA 45 adopted		
Article 46 – paragraph 1 a (new)	1099	Séjourné	Falls if CA 45 adopted		
Article 46 – paragraph 1 b (new)	1100	Séjourné	Falls if CA 45 adopted		
Article 46 – paragraph 1 c (new)	1101	Séjourné	Falls if CA 45 adopted		
Article 46 – paragraph 2	1102	Basso, Beck, Lebreton	Falls if CA 45 adopted		
Article 47 – paragraph 2 – point a a (new)	1103	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Arimont	Falls if CA 45 adopted		
Article 48 – paragraph 5	89	Didier	Falls if CA 45 adopted		
Article 48 – paragraph 6	1104	Złotowski	Falls if CA 45 adopted		
Article 49	CA 46	Rapporteur	If adopted, 1105, 1106, 1107 and 1108 fall		

Article 49 – paragraph 1 – point c a (new)	1105	Séjourné	Falls if CA 46 adopted		
Article 49 – paragraph 1 – point d	1106	Złotowski	Falls if CA 46 adopted		
Article 49 – paragraph 1 – point d	1107	Maurel	Falls if CA 46 adopted <i>Compatible with AM 1106</i>		
Article 49 – paragraph 1 – point e a (new)	1108	Złotowski	Falls if CA 46 adopted		
Articles 50 to 74 Recitals 94 to 97a, 98, 99, 101, 104, 106a	CA 47	Rapporteur	If adopted, 1109, 1111, 1112, 1113, 1114, 1115, 1117, 1119, 1120, 1121, 1123, 1125, 1126, 1128, 1127, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346 and 347 fall		
Chapter IV – Section 3 – title	1109	Maurel	Fall if CA 47 adopted Vote together		
Article 50 – title	1110	Maurel			
Article 50 – paragraph 1 – introductory part	1111	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Article 50 – paragraph 1 – subparagraph 1	1112	Melchior, Ijabs, Rafaela, Vautmans, Šimečka, Séjourné	Falls if CA 47 adopted		
Article 50 – paragraph 1 – subparagraph 1	1113	Basso, Beck, Lebreton	Falls if CA 47 adopted <i>Compatible with AM 1112</i>		
Article 50 – paragraph 1 – subparagraph 1	1114	Séjourné	Falls if CA 47 or 1112 adopted <i>Compatible with AM 1113</i>		
Article 50 –	1115	Maurel	Fall if CA 47 adopted		

paragraph 2	1116	Breyer	Identical		
Article 50 – paragraph 2	1117	Basso, Beck, Lebreton	No vote Fall if CA 47 adopted or 1111 NOT adopted Otherwise deemed adopted <i>Compatible with AM 1115, 1116</i>		
Article 50 – paragraph 3 – introductory part	1118	Basso, Beck, Lebreton			
Article 50 – paragraph 3 – subparagraph 1	1119	Breyer	Falls if CA 47 or 1117 adopted		
Article 50 – paragraph 3 – subparagraph 1	1120	Basso, Beck, Lebreton	Falls if CA 47 adopted or 1111 NOT adopted <i>Compatible with AM 1119</i>		
Article 50 – paragraph 4 – introductory part	1121	Basso, Beck, Lebreton	Fall if CA 47 adopted or 1111 NOT adopted Vote together		
Article 50 – paragraph 4 – subparagraph 1	1122	Basso, Beck, Lebreton			
Article 51 – paragraph 1 – introductory part	1123	Séjourné	Fall if CA 47 adopted Identical		
	1124	Melchior, Vautmans, Ijabs, Rafaela, Šimečka, Séjourné			
Article 51 – paragraph 1 – point a	1125	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Article 51 – paragraph 1 – point b	1126	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Article 51 – paragraph 2 – introductory part	1128	Melchior, Vautmans, Ijabs, Rafaela, Šimečka, Séjourné	Falls if CA 47 adopted		
Article 51 – paragraph 2 – introductory part	1127	Séjourné	Falls if CA 47 or 1128 adopted		
Article 51 – paragraph 2 – subparagraph 1	1129	Basso, Beck, Lebreton	Falls if CA 47 adopted or 1126 NOT adopted		

Article 52 – paragraph 1	1130	Złotowski	Falls if CA 47 adopted		
Article 54	1131	Basso, Beck, Lebreton	Falls if CA 47 adopted <i>Deletion</i>		
Article 55 – paragraph 1	1132	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 47 adopted		
Article 56 – paragraph 1	1133	Breyer	Falls if CA 47 adopted		
Article 56 – paragraph 2 – point b	1134	Breyer	Falls if CA 47 adopted		
Article 57 – paragraph 1	1135	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 47 adopted		
Article 58 – paragraph 1 – introductory part	1136	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Article 58 – paragraph 5	1137	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Article 59 – paragraph 2 – introductory part	1138	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 47 adopted		
Article 59 – paragraph 2 – point c	1139	Basso, Beck, Lebreton	Falls if CA 47 adopted Deemed adopted if 1131 adopted AND CA 47 NOT adopted <i>Deletion</i>		
Article 59 – paragraph 3	1140	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Article 60 – paragraph 1 – point b	1141	Basso, Beck, Lebreton	Falls if CA 47 adopted Deemed adopted if 1131 adopted AND CA 47 NOT adopted		

			<i>Deletion</i>		
Article 61 – paragraph 3 – point b	1142	Basso, Beck, Lebreton	Falls if CA 47 adopted <i>Deletion</i>		
Article 65 – paragraph 1 – introductory part	1143	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Article 68 – paragraph 1 – introductory part	1144	Breyer	Falls if CA 47 adopted		
Article 69 – paragraph 2	1145	Złotowski	Falls if CA 47 adopted or 580 NOT adopted		
Article 69 – paragraph 3	1146	Złotowski	Falls if CA 47 adopted or 580 NOT adopted		
Article 69 – paragraph 5	1147	Złotowski	Falls if CA 47 adopted		
Article 73 – paragraph 1	1148	Złotowski	Falls if CA 47 adopted		
Article 73 – paragraph 4	1149	Złotowski	Falls if CA 47 adopted <i>Deletion</i>		
Article 74 – paragraph 2 – introductory part	1150	Złotowski	Falls if CA 47 adopted		
Article 74 – paragraph 2 – introductory part	1151	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 47 or 1150 adopted		
Recital 1	90	Buda	Falls if CA 1A or CA 1 adopted		
Recital 1	91	Manders	Falls if CA 1A or CA 1 adopted		
Recital 2	92	Buda	Falls if CA 1A or CA 1 adopted		
Recital 2 a (new)	93	Maurel	Falls if CA 1A or CA 1 adopted		

Recital 2 b (new)	94	Maurel	Falls if CA 1A or CA 1 adopted		
Recital 3	95	Maurel	Falls if CA 1A or CA 1 adopted		
Recital 3	96	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 1A, CA 1 or 95 adopted		
Recital 3	97	Buda	Falls if CA 1A, CA 1, 95 or 96 adopted		
Recital 4	98	Maurel	Falls if CA 1A or CA 1 adopted		
Recital 4	99	Benifei	Falls if CA 1A or CA 1 adopted <i>Compatible with AM 98</i>		
Recital 4 a (new)	100	Melchior, Schreinemacher, Séjourné	Falls if CA 1A or CA 1 adopted		
Recital 5 a (new)	101	Melchior, Schreinemacher, Séjourné	Falls if CA 1A or CA 1 adopted		
Recital 5 b (new)	102	Melchior, Schreinemacher, Séjourné	Falls if CA 1A or CA 1 adopted		
Recital 8	104	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 1A or CA 1 adopted		
Recital 8	103	Maurel	Falls if CA 1A, CA 1 or 104 adopted		
Recital 9	105	Melchior, Schreinemacher, Séjourné	Falls if CA 1A or CA 1 adopted		
Recital 9	109	Maurel	Falls if CA 1A, CA 1 or 105 adopted		
Recital 9	106	Niebler	Falls if CA 1A, CA 1 or 109 adopted <i>Compatible with AM 105</i>		
Recital 9	107	Séjourné	Falls if CA 1A or CA 1 adopted <i>Compatible with AM 105, 106,</i>		

			<i>109</i>		
Recital 9	108	Didier	Falls if CA 1A, CA 1, 105, 109 or 106 adopted <i>Compatible with AM 107</i>		
Recital 9 a (new)	110	Maurel	Falls if CA 1A, CA 1 or 107 adopted		
Recital 10	111	Maurel	Falls if CA 1A or CA 1 adopted		
Recital 10	112	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 1A, CA 1 or 111 adopted		
Recital 11	113	Breyer	Falls if CA 1A or CA 1 adopted <i>Deletion</i>		
Recital 11	114	Séjourné	Falls if CA 1A, CA 1 or 113 adopted		
Recital 11	115	Voss, Halicki, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 1A, CA 1 or 113 adopted <i>Compatible with AM 114</i>		
Recital 11 a (new)	116	Niebler	Falls if CA 1A, CA 1, 107 or 110 adopted		
Recital 12	117	Melchior, Séjourné	Falls if CA 2 adopted		
Recital 12	125	Maurel	Falls if CA 2 or 117 adopted		
Recital 12	124	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 2, 117 or 125 adopted		
Recital 12	118	Breyer	Falls if CA 2, 117, 125 or 124 adopted		
Recital 12	119	Złotowski	Falls if CA 2, 117, 125 or 118 adopted <i>Compatible with AM 124</i>		
Recital 12	120	Manders	Falls if CA 2 adopted <i>Compatible with AM 117, 118, 119, 125, 124</i>		
Recital 12	122	Basso, Beck, Lebreton	Falls if CA 2, 117, 125 or 119 adopted <i>Compatible with AM 118, 124,</i>		

			<i>120</i>		
Recital 12	121	Buda	Falls if CA 2 or 122 adopted <i>Compatible with AM 117, 118, 119, 125, 124, 120</i>		
Recital 12	123	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 2 or 121 adopted <i>Compatible with AM 117, 118, 125, 124, 119, 120, 122</i>		
Recital 12 a (new)	126	Melchior, Schreinemacher, Séjourné	Falls if CA 2 adopted		
Recital 13	1	Didier	Falls if CA 2 adopted		
Recital 13	127	Złotowski	Falls if CA 2 adopted <i>Compatible with AM 1</i>		
Recital 13	128	Benifei	Falls if CA 2 or 127 adopted <i>Compatible with AM 1</i>		
Recital 13	129	Séjourné, Vázquez Lázara	Falls if CA 2 or 1 adopted <i>Compatible with AM 127, 128</i>		
Recital 13	130	Maurel	Falls if CA 2, 1 or 129 adopted <i>Compatible with AM 127, 128</i>		
Recital 13	131	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 2 adopted <i>Compatible with AM 1, 127, 128, 129, 130</i>		
Recital 13 a (new)	132	Melchior, Schreinemacher, Séjourné			
Recital 14	133	Séjourné	Falls if CA 1A or CA 2 adopted		
Recital 14	134	Złotowski	Falls if CA 1A, CA 2 or 133 adopted		
Recital 14	135	Maurel	Falls if CA 1A, CA 2, 127, 133 or 134 adopted		
Recital 14	136	Breyer	Falls if CA 1A, CA 2, 133 or 135 adopted <i>Compatible with AM 134</i>		

Recital 15 a (new)	137	Breyer			
Recital 15 a (new)	138	Maurel	Falls if 137 adopted		
Recital 16	139	Złotowski	Falls if CA 1A or CA 1 adopted		
Recital 16	140	Buda	Falls if CA 1A or CA 1 adopted <i>Compatible with AM 139</i>		
Recital 18	2	Didier	Falls if CA 4 or CA 4A adopted		
Recital 18	141	Voss, Halicki, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 4, CA 4A or 2 adopted		
Recital 18	142	Maurel	Falls if CA 4, CA 4A, 2 or 141 adopted		
Recital 18	143	Breyer	Falls if CA 4, CA 4A, 2, 141 or 142 adopted		
Recital 18 a (new)	3	Didier	Falls if CA 13 adopted		
Recital 20	144	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda, Arimont	Falls if CA 4 or CA 4A adopted		
Recital 20	145	Maurel	Falls if CA 4, CA 4A or 144 adopted		
Recital 20	4	Didier	Falls if CA 4, CA 4A, 144 or 145 adopted		
Recital 20	146	Złotowski	Falls if CA 4, CA 4A, 144, 145 or 4 adopted		
Recital 21	147	Złotowski	Falls if CA 3 adopted		
Recital 22	148	Maurel	Falls if CA 4 or CA 4A adopted		

Recital 22	149	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 4, CA 4A or 148 adopted		
Recital 22	150	Breyer	Falls if CA 4 or CA 4A adopted <i>Compatible with AM 148, 149</i>		
Recital 23	5	Didier	Falls if CA 4 or CA 4A adopted		
Recital 23	151	Manders	Falls if CA 4, CA 4A or 5 adopted		
Recital 23	152	Maurel	Falls if CA 4, CA 4A or 5 adopted <i>Compatible with AM 151</i>		
Recital 23	153	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 4 or CA 4A adopted <i>Compatible with AM 5, 151, 152</i>		
Recital 25	154	Maurel	Fall if CA 5 adopted Identical <i>Deletion</i>		
	155	Breyer			
Recital 25	156	Séjourné	Falls if CA 5 or 154 adopted		
Recital 25	157	Buda	Falls if CA 5 or 154 adopted <i>Compatible with AM 156</i>		
Recital 25	158	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 5 or 154 adopted <i>Compatible with AM 156, 157</i>		
Recital 25	6	Didier	Falls if CA 5 or 154 adopted <i>Compatible with AM 156, 157, 158</i>		
Recital 25	159	Basso, Beck, Lebreton	Falls if CA 5, 154 or 6 adopted <i>Compatible with AM 156, 157, 158</i>		
Recital 26	160	Maurel	Falls if CA 5 adopted		
Recital 26	161	Złotowski	Falls if CA 5 or 160 adopted		
Recital 26	162	Benifei	Falls if CA 5 or 160 adopted <i>Compatible with AM 161</i>		
Recital 27	163	Złotowski	Falls if CA 5 adopted		
Recital 28	164	Maurel	Falls if CA 6 or CA 6A		

			adopted		
Recital 28	7	Didier	Falls if CA 6, CA 6A or 164 adopted		
Recital 28	165	Melchior, Schreinemacher, Séjourné	Falls if CA 6, CA 6A, 164 or 7 adopted		
Recital 28	166	Séjourné	Falls if CA 6, CA 6A, 164, 7 or 165 adopted		
Recital 28	167	Złotowski	Falls if CA 6 or CA 6A adopted <i>Compatible with AM 164, 7, 165, 166</i>		
Recital 28	168	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 6, CA 6A, 164, 7 or 165 adopted <i>Compatible with AM 166, 167</i>		
Recital 28	169	Basso, Beck, Lebreton	Falls if CA 6, CA 6A or 7 adopted <i>Compatible with AM 164, 165, 166, 167, 168</i>		
Recital 28 a (new)	170	Breyer	Falls if CA 6 or CA 6A adopted		
Recital 29	171	Breyer	Falls if CA 7 or CA 7A adopted		
Recital 29	172	Séjourné, Vázquez Lázara	Falls if CA 7 or CA 7A adopted <i>Compatible with AM 171</i>		
Recital 29	173	Buda	Falls if CA 7 or CA 7A adopted <i>Compatible with AM 171, 172</i>		
Recital 29	174	Melchior, Schreinemacher, Séjourné	Falls if CA 7 or CA 7A adopted <i>Compatible with AM 171, 172, 173</i>		
Recital 30	175	Séjourné	Falls if CA 7 or CA 7A adopted		
Recital 30 a (new)	176	Breyer			
Recital 31	177	Breyer	Falls if CA 7 or CA 7A adopted		
Recital 31	178	Wölken, Gebhardt,	Falls if CA 7, CA 7A or 177		

		Roberti	adopted		
Recital 31	179	Melchior	Falls if CA 7, CA 7A, 177 or 178 adopted		
Recital 31	180	Séjourné	Falls if CA 7 or CA 7A adopted <i>Compatible with AM 177, 178, 179</i>		
Recital 32	181	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda, Arimont	Falls if CA 8 adopted		
Recital 32	8	Didier	Falls if CA 8 or 181 adopted		
Recital 33	182	Melchior, Schreinemacher	Falls if CA 8 adopted		
Recital 33	183	Séjourné	Falls if CA 8 or 182 adopted		
Recital 34	184	Buda	Falls if CA 10 adopted		
Recital 34	185	Melchior, Séjourné, Vautmans, Ijabs, Rafaela, Šimečka	Falls if CA 10 adopted <i>Compatible with AM 184</i>		
Recital 35	186	Melchior	Falls if CA 10 adopted		
Recital 35	187	Maurel	Falls if CA 10 or 186 adopted		
Recital 36	188	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 10 adopted		
Recital 36	189	Basso, Beck, Lebreton	Falls if CA 10 adopted <i>Compatible with AM 188</i>		
Recital 37	9	Didier	Falls if CA 11 adopted		
Recital 38	190	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 12 adopted		
Recital 38	191	Melchior, Schreinemacher, Séjourné	Falls if CA 12 or 190 adopted		
Recital 38	192	Buda	Falls if CA 12 adopted <i>Compatible with AM 190, 191</i>		
Recital 38 a	193	Melchior,	Falls if CA 12 adopted		

(new)		Schreinemacher, Séjourné			
Recital 39	194	Melchior, Séjourné	Falls if CA 13 adopted		
Recital 39	195	Maurel	Falls if CA 13 or 194 adopted		
Recital 40	196	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 14 or CA 14A adopted <i>Deletion</i>		
Recital 40	197	Séjourné, Vázquez Lázara	Falls if CA 14, CA 14A or 196 adopted		
Recital 40	198	Złotowski	Falls if CA 14, CA 14A or 196 adopted <i>Compatible with AM 197, 201</i>		
Recital 40	10	Didier	Falls if CA 14, CA 14A, 196 or 197 adopted <i>Compatible with AM 198</i>		
Recital 40	199	Stancanelli	Falls if CA 14, CA 14A, 196, 197 or 10 adopted <i>Compatible with AM 198</i>		
Recital 40	200	Maurel	Falls if CA 14, CA 14A, 196, 197, 10 or 199 adopted <i>Compatible with AM 198</i>		
Recital 40	201	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 14, CA 14A or 196 adopted <i>Compatible with AM 197, 198, 10, 199, 200</i>		
Recital 40 a (new)	202	Melchior, Schreinemacher, Séjourné	Falls if CA 14 or CA 14A adopted		
Recital 40 b (new)	203	Melchior, Schreinemacher, Séjourné	Falls if CA 14 adopted		
Recital 41	204	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 14 or CA 14A adopted <i>Deletion</i>		
Recital 41	205	Melchior, Séjourné, Vautmans, Ijabs, Rafaela, Šimečka	Falls if CA 14, CA 14A or 204 adopted		

Recital 41 a (new)	206	Melchior, Schreinemacher, Séjourné	Falls if CA 14 or CA 14A adopted		
Recital 42	207	Maurel	Falls if CA 15a adopted		
Recital 42	208	Melchior, Schreinemacher	Falls if CA 15a or 207 adopted		
Recital 42	209	Breyer	Falls if CA 15a, 207 or 208 adopted		
Recital 42	210	Stancanelli	Falls if CA 15a or 207 adopted <i>Compatible with AM 208, 209</i>		
Recital 42	211	Séjourné, Vázquez Lázara	Falls if CA 15a, 208 or 209 adopted <i>Compatible with AM 207, 210</i>		
Recital 42	212	Wölken, Gebhardt, Roberti	Falls if CA 15a, 208, 209 or 211 adopted <i>Compatible with AM 207, 210</i>		
Recital 42	213	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 15a or 212 adopted <i>Compatible with AM 207, 208, 209, 210, 211</i>		
Recital 42 a (new)	214	Breyer			
Recital 43	215	Melchior	Falls if CA 16 adopted		
Recital 43	216	Basso, Beck, Lebreton	Falls if CA 16 adopted <i>Compatible with AM 215</i>		
Recital 43	217	Maurel	Falls if CA 16 or 215 adopted <i>Compatible with AM 216</i>		
Recital 43 a (new)	218	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda			
Recital 43 b (new)	219	Voss, Gahler, Verheyen, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos,	Falls if 218 NOT adopted		

		Schulze, Doleschal, Buda			
Recital 44	220	Melchior, Schreinemacher, Séjourné	Falls if CA 17 adopted		
Recital 44	221	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 17 adopted <i>Comp with 220</i>		
Recital 46	222	Basso, Beck, Lebreton	Falls if CA 15 adopted <i>Deletion</i>		
Recital 46	11	Didier	Falls if CA 15 or 222 adopted		
Recital 46	223	Breyer	Falls if CA 15 or 222 adopted <i>Comp with 11</i>		
Recital 46	224	Stancanelli	Falls if CA 15, 222 or 11 adopted <i>Comp with 223</i>		
Recital 46	225	Melchior, Schreinemacher	Falls if CA 15, 222, 11, 223 or 224 adopted		
Recital 46	226	Benifei	Falls if CA 15, 222, 11 or 225 adopted <i>Comp with 223, 224</i>		
Recital 46	227	Wölken, Gebhardt, Roberti	Falls if CA 15, 222, 11, 224, 225 or 226 adopted <i>Comp with 223</i>		
Recital 46	228	Maurel	Falls if CA 15, 222, 11, 224, 225, 226 or 227 adopted <i>Comp with 223</i>		
Recital 47	229	Breyer	Falls if CA 20 adopted		
Recital 47	230	Maurel	Falls if CA 20 or 229 adopted		
Recital 47	231	Melchior, Schreinemacher, Séjourné	Falls if CA 20 adopted <i>Comp with 229, 230</i>		
Recital 48	232	Melchior, Séjourné, Schreinemacher	Falls if CA 21 adopted		
Recital 48	233	Walsmann	Falls if CA 21 or 232 adopted		
Recital 48	234	Breyer	Falls if CA 21, 232 or 233 adopted		
Recital 48	235	Séjourné	Falls if CA 21, 232, 233 or 234 adopted		

Recital 48 a (new)	236	Séjourné	Falls if CA 21 adopted		
Recital 49	237	Walsmann	Falls if CA 22 adopted		
Recital 49	238	Séjourné	Falls if CA 22 or 237 adopted		
Recital 50	239	Séjourné	Falls if CA 22 adopted		
Recital 50	240	Melchior, Séjourné	Falls if CA 22 adopted <i>Comp with 239</i>		
Recital 50	241	Walsmann	Falls if CA 22 or 239 adopted <i>Comp with 240</i>		
Recital 50 a (new)	242	Melchior, Séjourné	Falls if CA 22 adopted		
Recital 51	243	Złotowski	Falls if CA 23 adopted		
Recital 52	244	Złotowski	Falls if CA 24 adopted		
Recital 52	245	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 24 or 244 adopted		
Recital 52	246	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 24, 244 or 245 adopted		
Recital 52	247	Melchior, Schreinemacher, Séjourné	Falls if CA 24 or 245 adopted <i>Comp with 244, 246</i>		
Recital 53	248	Séjourné	Falls if CA 25 adopted		
Recital 53	249	Manders	Falls if CA 25 adopted <i>Comp with 248</i>		
Recital 53	250	Złotowski	Falls if CA 25 adopted <i>Comp with 248, 249</i>		
Recital 53	251	Maurel	Falls if CA 25 adopted <i>Comp with 248, 249, 250</i>		
Recital 53	252	Breyer	Falls if CA 25 or 248 adopted <i>Comp with 249, 250, 251</i>		
Recital 54	253	Złotowski	Falls if CA 25 adopted		
Recital 54	254	Maurel	Falls if CA 25 adopted <i>Comp with 253</i>		
Recital 56	255	Maurel	Falls if CA 26 adopted		
Recital 57	256	Séjourné	Falls if CA 26 adopted		

Recital 57	257	Maurel	Falls if CA 26 adopted <i>Comp with 256</i>		
Recital 57	258	Melchior, Schreinemacher	Falls if CA 26 or 256 adopted <i>Comp with 257</i>		
Recital 57	259	Breyer	Falls if CA 26 adopted <i>Comp with 256, 257, 258</i>		
Recital 58	260	Melchior, Schreinemacher, Séjourné	Falls if CA 27 adopted		
Recital 58	261	Séjourné, Vázquez Lázara	Falls if CA 27 or 260 adopted		
Recital 58	262	Breyer	Falls if CA 27 adopted <i>Comp with 260, 261</i>		
Recital 58	263	Basso, Beck, Lebreton	Falls if CA 27 adopted <i>Comp with 260, 261, 262</i>		
Recital 58	264	Maurel	Falls if CA 27, 260 or 262 adopted <i>Comp with 261, 263</i>		
Recital 58	265	Voss, Halicki, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Arimont	Falls if CA 27 adopted <i>Comp with 260, 261, 262, 263, 264</i>		
Recital 58	266	Złotowski	Falls if CA 27 or 263 adopted <i>Comp with 260, 261, 262, 264, 265</i>		
Recital 59	267	Breyer	Falls if CA 27 adopted		
Recital 59	268	Maurel	Falls if CA 27 adopted <i>Comp with 267</i>		
Recital 59	269	Basso, Beck, Lebreton	Falls if CA 27 adopted <i>Comp with 267, 268</i>		
Recital 60	270	Maurel	Falls if CA 28 adopted		
Recital 61	271	Maurel	Falls if CA 28 adopted		
Recital 61	272	Basso, Beck, Lebreton	Falls if CA 28 or 271 adopted		
Recital 62	273	Séjourné	Falls if CA 29 adopted		
Recital 62	274	Wölken, Gebhardt,	Falls if CA 29 adopted		

		Roberti, Schaldemose	<i>Comp with 273</i>		
Recital 62	275	Breyer	Falls if CA 29 or 274 adopted <i>Comp with 273</i>		
Recital 62	276	Maurel	Falls if CA 29 adopted <i>Comp with 273, 274, 275</i>		
Recital 62	277	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 29 adopted <i>Comp with 273, 274, 275, 276</i>		
Recital 62 a (new)	278	Séjourné, Vázquez Lázara			
Recital 63	279	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 27 or CA 30 adopted		
Recital 63	280	Melchior, Schreinemacher, Séjourné	Falls if CA 27 or CA 30 adopted <i>Comp with 279</i>		
Recital 63	281	Maurel	Falls if CA 27 or CA 30 adopted <i>Comp with 279, 280</i>		
Recital 64	282	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal	Falls if CA 31 adopted		
Recital 64	283	Melchior, Schreinemacher, Séjourné	Falls if CA 31 or 282 adopted		
Recital 64	284	Séjourné	Falls if CA 31 adopted <i>Comp with 282, 283</i>		
Recital 64	285	Maurel	Falls if CA 31 adopted <i>Comp with 282, 283, 284</i>		
Recital 64	286	Breyer	Falls if CA 31 or 284 adopted <i>Comp with 282, 283, 285</i>		
Recital 64	287	Basso, Beck, Lebreton	Falls if CA 31 adopted <i>Comp with 282, 283, 284, 285, 286</i>		
Recital 65	288	Maurel	Falls if CA 32 adopted		

Recital 65 a (new)	289	Breyer	Falls if CA 32 adopted		
Recital 65 a (new)	290	Wölken, Gebhardt, Roberti, Schaldemose, Benifei	Falls if CA 32 or 289 adopted		
Recital 66	291	Maurel	Falls if CA 34 adopted		
Recital 66	292	Wölken, Gebhardt, Roberti, Schaldemose	Falls if CA 34 adopted <i>Comp with 291</i>		
Recital 67	293	Maurel	Falls if CA 35 adopted <i>Deletion</i>		
Recital 67	294	Basso, Beck, Lebreton	Falls if CA 35 or 293 adopted		
Recital 67	295	Séjourné	Falls if CA 35 or 293 adopted <i>Comp with 294</i>		
Recital 67	296	Breyer	Falls if CA 35 or 293 adopted <i>Comp with 294, 295</i>		
Recital 68	297	Maurel	Falls if CA 35 adopted <i>Deletion</i>		
Recital 68	298	Breyer	Falls if CA 35 or 297 adopted		
Recital 68	299	Séjourné	Falls if CA 35 or 297 adopted <i>Comp with 298</i>		
Recital 69	300	Maurel	Falls if CA 35 adopted <i>Deletion</i>		
Recital 69	301	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal, Buda	Falls if CA 35 or 300 adopted		
Recital 69	302	Breyer	Falls if CA 35, 300 or 301 adopted		
Recital 69	303	Séjourné	Falls if CA 35, 300, 301 or 302 adopted		
Recital 70	304	Maurel	Falls if CA 36 adopted <i>Deletion</i>		
Recital 70	305	Voss, González Pons, Regimenti, Hohlmeier, Wieland, Caspary, Zarzalejos, Schulze, Doleschal,	Falls if CA 36 or 304 adopted		

		Buda			
Recital 71	306	Maurel	Falls if CA 37 adopted <i>Deletion</i>		
Recital 71	307	Basso, Beck, Lebreton	Falls if CA 37 or 306 adopted		
Recital 71	308	Breyer	Falls if CA 37 or 306 adopted <i>Comp with 307</i>		
Recital 71 a (new)	309	Breyer	Falls if CA 37 adopted		
Recital 73	310	Maurel	Falls if CA 38 adopted		
Recital 74	311	Maurel	Falls if CA 38 adopted		
Recital 76	312	Maurel	Falls if CA 39 adopted		
Recital 76	313	Złotowski	Falls if CA 39 or 312 adopted		
Recital 76	314	Melchior, Schreinemacher, Séjourné	Falls if CA 39 adopted <i>Comp with 312, 313</i>		
Recital 76 a (new)	315	Basso, Beck, Lebreton	Falls if CA 39 adopted		
Recital 77	316	Séjourné	Falls if CA 40 adopted		
Recital 78	317	Melchior, Schreinemacher, Séjourné	Falls if CA 40 adopted		
Recital 81	318	Basso, Beck, Lebreton	Falls if CA 42 adopted		
Recital 85	319	Melchior	Falls if CA 44 adopted		
Recital 85	320	Basso, Beck, Lebreton	Falls if CA 44 or 319 adopted		
Recital 87	321	Maurel	Falls if CA 45 adopted		
Recital 88	322	Melchior, Schreinemacher	Falls if CA 45 adopted		
Recital 89	323	Maurel	Falls if CA 45 adopted		
Recital 90	324	Maurel	Falls if CA 45 adopted		
Recital 91	325	Maurel	Falls if CA 45 adopted		
Recital 91	326	Séjourné, Vázquez Lázara	Falls if CA 45 or 325 adopted		
Recital 91	327	Złotowski	Falls if CA 45 or 325 adopted		

			<i>Comp with 326</i>		
Recital 92	328	Maurel	Falls if CA 45 adopted		
Recital 94	329	Maurel	Falls if CA 47 adopted		
Recital 95	330	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Recital 95	331	Maurel	Falls if CA 47 adopted <i>Comp with 330</i>		
Recital 96	332	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Recital 96	333	Maurel	Falls if CA 47 adopted <i>Comp with 332</i>		
Recital 97	334	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Recital 97	335	Maurel	Falls if CA 47 adopted <i>Comp with 334</i>		
Recital 97 a (new)	336	Melchior, Schreinemacher, Séjourné	Falls if CA 47 adopted		
Recital 98	337	Melchior, Séjourné	Falls if CA 47 adopted		
Recital 98	338	Basso, Beck, Lebreton	Falls if CA 47 adopted <i>Comp with 337</i>		
Recital 98	339	Maurel	Falls if CA 47 adopted <i>Comp with 337, 338</i>		
Recital 99	340	Basso, Beck, Lebreton	Falls if CA 47 adopted		
Recital 99	341	Melchior, Schreinemacher	Falls if CA 47 or 340 adopted		
Recital 99	342	Maurel	Falls if CA 47 adopted <i>Comp with 340, 341</i>		
Recital 101	343	Maurel	Falls if CA 47 adopted		
Recital 104	344	Melchior, Schreinemacher, Séjourné	Falls if CA 47 adopted		
Recital 104	345	Maurel	Falls if CA 47 adopted <i>Comp with 344</i>		
Recital 106 a (new)	346	Didier	Falls if CA 10 or CA 47 adopted		

Recital 106 a (new)	347	Maurel	Falls if CA 47 adopted		
Final vote – Draft as amended (Roll-call vote)					

**Compromise amendments
JURI opinion Digital Services Act
batch I**

Compromise 1 on Article 1 and 1a

covers amendments 12, 348- 368, on recitals 90 - 116, 139, 140

Article 1

Subject matter and scope

1. This Regulation lays down harmonised rules on the provision of intermediary services *in order to improve the functioning of* the internal market *whilst ensuring the rights enshrined in the Charter of Fundamental Rights of the European Union, in particular the freedom of expression and information in an open and democratic society*. In particular, it establishes: (348 RE)

- (a) a framework for the conditional exemption from liability of providers of intermediary services;
- (b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services;
- (c) rules on the implementation and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities.

2. The aims of this Regulation are to:

- (a) contribute to the proper functioning of the internal market for intermediary services;
- (b) set out uniform, *proportionate, harmonised* rules for a safe, predictable, *accessible* and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected. (350 EPP, 351 RE)
- (ba) facilitate innovation, support digital transition, encourage economic growth and create a level playing field for digital services within the internal market.* (12 EPP)
- (bb) protect consumers making use of services falling under this Regulation.* (352 Left)

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.

3a. This Regulation shall apply to instant messaging services used for purposes other than private or non-commercial.

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.

5. This Regulation is without prejudice to the rules laid down by the following:

- (a) Directive 2000/31/EC;
- (b) Directive 2010/13/EU *as amended by Directive 2018/1808/EU*; (358 RE)
- (c) Union law on copyright and related rights, *in particular Directive (EU) 2019/790 on Copyright and Related Rights in Digital Single Market*; (360, 361 RE)
- (d) Regulation (EU) .../.... on preventing the dissemination of terrorist content online [TCO once adopted];
- (e) Regulation (EU) .../....on European Production and Preservation Orders for electronic evidence in criminal matters and Directive (EU) .../....laying down harmonized rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings [e-evidence once adopted]
- (f) Regulation (EU) 2019/1148;
- (g) Regulation (EU) 2019/1150;
- (h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394, *Regulation (EU) 2019/1020 and Regulation XXX (General Product Safety Regulation)*; (363 RE)
- (i a) *Directive (EU) 2019/882* (364 RE)
- (i b) *Directive 2006/123/EC* (365 S&D)

5 a. The Commission shall by [within one year of the adoption of this Regulation] publish guidelines with regard to the relations between this Regulation and legislative acts listed in Article 1(5). These guidelines shall clarify any potential conflicts between the conditions and obligations listed in those legislative acts and which act prevails where actions, in line with this Regulation, fulfil the obligations of another legislative act and which regulatory authority is competent. (366 RE)

Article 1a

Contractual provisions

Any contractual provisions between an intermediary service provider and a trader, business user, or a recipient of its service which are contrary to this Regulation shall be unenforceable.

Recitals

(1) Information society services and especially intermediary services have become an important part of the Union's economy and daily life of Union citizens. Twenty years after the adoption of the existing legal framework applicable to such services laid down in Directive 2000/31/EC of the European Parliament and of the Council, 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 *and innovative ways, transforming their communication, connection, consumption and business habits on the one hand, and bringing about societal and economic transformations in the EU on the other [AM 90 EPP]*. 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 *for*

example in the form of financial fraud and scams on social networks [AM 91 EPP], and for society as a whole.

(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 create regulatory fragmentation and*** negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice, ***striking a proper balance between support for innovation on the one hand and protection for consumers and other service users on the other.*** [AM 92 EPP]

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, ***accessible*** [AM 97 EPP], predictable and trusted online environment and for allowing Union citizens and other persons to exercise their 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, ***privacy and personal data protection***, the right to non-discrimination ***and access to justice*** (96 S&D).

(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 ***and fundamental rights respected*** [AM 98 The Left].

(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 ***should*** 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 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 Council. 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. (EPP 104)

(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,²⁸ and Regulation (EU) .../.. of the European Parliament and of the Council²⁹ – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, **among others, [105]** which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. ***This regulation should also respect the competences of Member States to adopt laws promoting freedom and pluralism of the media as well as cultural and linguistic diversity [AM 107, AM 110, AM 116]. This Regulation should not affect Member States' freedom to stronger regulate [AM 108, AM 109]*** issues on which those other acts leave Member States the possibility of adopting certain measures at national level. ***In the event of a conflict between Directive 2010/13/EU as amended and this Regulation, Directive 2010/13/EU as well as the national measures taken in accordance with that Directive should prevail [AM 108]. To assist Member States and providers, the Commission should provide guidelines as to how to interpret the interaction between different Union acts and how to prevent any duplication of requirements on providers or potential conflicts in the interpretation of similar requirements [AM 105 RE].***

(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 and Regulation (EU) 2019/1150 of the European Parliament and of the Council, Directive 2002/58/EC of the European Parliament and of the Council and Regulation [.../...] on temporary derogation from certain provisions of Directive 2002/58/EC as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council, Directive 2011/83/EU of the European Parliament and of the Council and Directive 93/13/EEC of the European Parliament and of the Council, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council, ***Directive 2013/11/EC of the European Parliament and of the Council, Directive 2006/123/EC of the European Parliament and of the Council, (112 S&D)***, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council. 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.

(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, ***in particular Directive (EU) 2019/790 on Copyright and Related Rights in Digital Single Market [AM 114]***, which establish specific rules and procedures that should remain unaffected ***and are lex specialis, prevailing over this Regulation [AM 115].***

(15) [recital 15: COM text remains unchanged - no amendments tabled]

(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That

framework should therefore be preserved. However, in view of the divergences when transposing and applying the relevant rules at national level, and for reasons of clarity **consistency, predictability, accessibility [AM 140]** 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.

Compromise 2 on Article 2

covers amendments 13 - 25, 369 - 412, 117 - 136

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

(a) ‘information society services’ means services within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535;

(b) ‘recipient of the service’ means any natural or legal person who uses the relevant intermediary service;

(b a) ‘active end user’ means an individual successfully accessing an online interface and having significant interaction with it, its product or service; (369 ECR)

(c) ‘consumer’ means any natural person who is acting for purposes which are outside his or her trade, business, *craft* or profession; (13 EPP, 370 ECR)

(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; such a substantial connection is deemed to exist where the provider has an establishment in the Union; in the absence of such an establishment, the assessment of a substantial connection is based on specific factual criteria, such as:

- a significant number of users in one or more Member States; or
- the targeting of activities towards one or more Member States.

(e) ‘trader’ means any natural person, or any legal person irrespective of whether privately or publicly owned, who is acting, including through any person **marketing products and/or services (GUE)** in his or her name or on his or her behalf, for purposes relating to his or her trade, business, craft or profession, **or any natural or legal person that is offering goods, digital content or services on a commercial scale;** (376 GUE, 375 RE)

(f) ‘intermediary service’ means one of the following **information society** services: (15 EPP)

- 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 ‘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 ‘hosting’ service that consists of the storage of information provided by, and at the request of, a recipient of the service, **and which does not have any active role in data processing**; (17 EPP)
- **an online platform in the meaning of Article 2(h)**; (16 EPP)
- **an online search engine as defined in point (5) of Article 2 of Regulation (EU) 2019/1150**. (18 EPP, 378 GUE, 379 RE)
- **‘live streaming platform services’ mean information society services of which the main or one of the main purposes is to give the public access to audio or video material that is live broadcasted by its users, which it organises and promotes for profit-making purposes** (22 EPP, 380 RE)

(g) ‘illegal content’ means any specific information which, in itself or by its reference to **illegal content, products, services or activity, including financial fraud**, (385 EPP) is not in compliance with Union law or **the criminal, administrative or civil legal framework** (384 ID) of a Member State, irrespective of the precise subject matter or nature of that law; (19, 385 EPP, 386 ECR, 384 ID)

(h) ‘online platform’ means a provider of a hosting service which stores and disseminates to the public information **and optimises its content**, unless that activity is a minor and purely ancillary feature of **service or functionality of the principal** service and, for objective and technical reasons cannot be used without that **principal** service, and the integration of the feature **or functionality** into the other service is not a means to circumvent the applicability of this Regulation; (20, 388 EPP, 387 ECR)

(h a) ‘online marketplace’ means a service using software, including a website or an application, operated by or on behalf of a trader which allows consumers to conclude distance contracts with other traders or consumers

(h a) ‘editorial platform’ means an intermediary service which is in connection with a press publication within the meaning of Article 2(4) of Directive (EU) 2019/790 or another editorial media service and which allows users to discuss topics generally covered by the relevant media or to comment editorial content and which is under the supervision of the editorial team of the publication or other editorial media (389 EPP, 393 ECR)

(h b) ‘online social networking service’ means a platform that enables end users to connect, share, discover and communicate with each other across multiple devices and, in particular, via chats, posts, videos and recommendations (390 ECR);

(i) ‘dissemination to the public’ means **taking an active role in** making information available, at the request of the recipient of the service who provided the information, to a significant and potentially unlimited number of third parties; (24 EPP, 395 GUE)

(i a) ‘deep fake’ means 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; (396, 408 RE)

(j) ‘distance contract’ means a contract within the meaning of Article 2(7) of Directive 2011/83/EU;

(k) ‘online interface’ means any software, including a website or a part thereof, and applications, including mobile applications;

(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;

(m) ‘Digital Services Coordinator of destination’ means the Digital Services Coordinator of a Member State where the intermediary service is provided;

(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;

(o) ‘recommender system’ means a fully or partially automated system used by **a very large online platform** to suggest, **classify, prioritise or organise** in its online interface specific information **for** 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 (400 EPP, 399 GUE)

(p) ‘content moderation’ means the activities undertaken by providers of intermediary services, **whereas automated or processed by a person**, aimed at detecting, identifying and addressing illegal content or information incompatible with their terms and conditions, provided by recipients of the service, including measures taken that affect the availability, visibility and accessibility of that illegal content or that information, such as demotion, disabling of access to, or removal thereof, or the recipients’ ability to provide that information, such as the termination or suspension of a recipient’s account;

(q) ‘terms and conditions’ means all terms and conditions or specifications **provided by the provider of intermediary services**, irrespective of their name or form, which govern the contractual (402 S&D)

(qa) ‘dark pattern’ means **a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision-making or choice** (406 RE, 404 Greens)

Recitals

(12) In order to achieve the objective of ensuring a safe, **accessible, [AM 121]** 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 [AM 119]** 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 **is not in compliance with Union law since it refers** (124 S&D) 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, **dangerous** (123 EPP) or counterfeit products, **illegal trading of animals, plants and substances [AM 117]**, the non-authorized use of copyright protected material, **the provision of illegal services such as hosting services on short-term accommodation rental platforms which do not conform to Union or national law, [AM 125]** 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.

(12 a) Material disseminated for educational, journalistic, artistic or research purposes or for the purposes of preventing or countering illegal content including the content which represents an expression of polemic or controversial views in the course of public debate should not be considered as illegal content. Similarly, material, such as an eye-witness video of a potential crime, should not be considered as illegal, merely because it depicts an illegal act. An assessment should determine the true purpose of that dissemination and whether material is disseminated to the public for those purposes. (126 RE)

(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, *search engines*, social networks, *content-sharing platforms*, or online marketplaces *and live streaming platforms or instant messaging services providers [AM 1, AM 129, AM 130]* 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 *the principal [131]* 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 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.

(14) The concept of ‘dissemination to the public’, as used in this Regulation, should entail the making available of information to a *large or* (133 RE) potentially unlimited number of persons, that is, making the information easily accessible to users in general without further action by the recipient of the service providing the information being required, irrespective of whether those persons actually access the information in question. The mere possibility to create groups of users of a given service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a finite number of pre-determined persons. Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,³⁹ such as emails or instant messaging services used for purposes other than private or non-commercial, 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.

Compromise 3 on Article 3 and 4(2)

covers amendments 413 - 416, 147

Article 3

‘Mere conduit’

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, *or an improvement of the security of that transmission*, the service provider shall not be liable for the information transmitted, on condition that the provider: (413 ECR)

- (a) does not initiate the transmission;
- (b) does not select the receiver of the transmission; and
- (c) does not select or modify the information contained in the transmission.

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 information is not stored for any period longer than is reasonably necessary for the transmission.

3. This Article shall not affect the possibility for a court or *functionally independent* administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement. (415 ECR)

Article 4 paragraph 2

This Article shall not affect the possibility for a court or *functionally independent* administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

(21) A provider should be able to benefit from the exemptions from liability for 'mere conduit' and for 'catching' services when it is in no way involved with the information transmitted. This requires, among other things, that the provider does not modify the information that it transmits. However, this requirement should not be understood to cover manipulations of a technical nature, *such as network management*, (147 ECR) which take place in the course of the transmission, as such manipulations do not alter the integrity of the information transmitted.

Compromise 4 on Art 5 and Recitals 18, 19, 20, 22, 23 23
covers amendments 4, 5, 26 - 28, 141 - 146, 148-153, 417 - 430

Article 5

Hosting

1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:

(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

(b) upon obtaining such knowledge or awareness, expeditiously, *decisively and permanently removes or disables access to the illegal content if the content or activity is to be deemed illegal under Article 2 (g)*; (26 EPP, 417 ECR, 418 (ID), 420 GUE)

1 a. Without prejudice to specific deadlines, set out in Union law or within administrative or legal orders, providers of hosting services shall, upon obtaining actual knowledge or awareness, remove or disable access to illegal content as soon as possible and in any event:

(a) within 30 minutes where the illegal content pertains to the broadcast of a live sports or entertainment event;

(b) within 24 hours where the illegal content can seriously harm public policy, public security or public health or seriously harm consumers' health or safety;

(c) *within 72 hours in all other cases where the illegal content does not seriously harm public policy, public security, public health or consumers' health or safety; (EPP 421, GUE 612)*

2. Paragraph 1 shall not apply

(a) where the recipient of the service is acting under the authority or the control of the provider.

(b) *when the main purpose of the information society service is to engage in or facilitate illegal activities or when the provider of the information society service deliberately collaborates with a recipient of the services in order to undertake illegal activities.* (423 EPP)

2c. *where the provider of intermediary services plays an active role in, for instance, providing, controlling, optimising, classifying, organising, referencing or promoting the content.* (28 EPP, 428 GUE)

3. Paragraph 1 shall not apply with respect to liability *of an online marketplace*, where such *a 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 itself or by a recipient of the service who is acting under its authority or control.

4. This Article shall not affect the possibility for a court or a *functionally independent* administrative authority, in accordance with Member States' legal systems, of requiring the service provider to terminate or prevent an infringement.

(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. *The provider of intermediary services is considered to play an active role when it organises and references the content, regardless of whether this is automated or not [AM 2, AM 141,].*

(20) A provider of intermediary services *the main purpose of which is to engage in or facilitate* 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. (4, 144, 146 EPP, 145 The Left, 146 ECR)

(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 *Charter of Fundamental Rights of the European Union, including the* principle of freedom of expression. The provider can obtain such actual

knowledge or awareness through notices submitted to it by individuals or entities in accordance with this Regulation in so far as those notices are sufficiently precise and adequately substantiated to allow a diligent economic operator to reasonably identify, assess and where appropriate act against the allegedly illegal content. (149 S&D)

(23) In order to ensure the effective protection of consumers when engaging in intermediated commercial transactions online, **including online financial transactions**, (151 EPP) ~~certain~~ providers of hosting services, ~~namely~~, **online platforms and other service providers such as marketplaces** (152 The Left, 5 EPP) 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, **including online financial transactions** (151 EPP), 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, 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 and reasonably well-informed consumer.

(24) [recital 24 : COM text remains unchanged, no amendments]

Compromise 5 on Art 6 and recitals 25, 26, 27

covers amendments 6, 29, 30, 154-163, 431 - 438

Article 6

Voluntary own-initiative investigations and legal compliance

1. 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 or national law~~, **in accordance with Union law**, including **the Charter of Fundamental Rights of the European Union, and the requirements** set out in this Regulation. (433 RE, 434 ID)

1a. Paragraph 1 shall apply only when intermediary services are compliant with due diligence obligations laid down in this Regulation. (30 EPP)

1b. Voluntary own-initiative investigations shall not lead to ex-ante control measures based on automated content moderation tools. (437 S&D)

1c. Providers of intermediary services shall ensure that measures taken pursuant to paragraph 1 shall be effective, specific and targeted. Such measures should be accompanied with appropriate safeguards, such as human oversight, documentation, traceability or any additional measures to ensure that own initiative investigations are accurate, non-discriminatory, proportionate, transparent and not lead to over-removal of content. (438 S&D)

(25) In order to create legal certainty, **ensuring that the regulatory framework provisions are applied in a proportional manner**, and not to discourage 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 **and accompanied by additional safeguards**. 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 **or national** 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 **set out in this Regulation**. Therefore, any such activities and measures that a given provider may have taken **in order to detect, identify and act against illegal content on a voluntary basis** 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. (6, 157, EPP, 156 RE, 158 S&D, 159 ID).

(26) [recital 26: COM text remains unchanged]

(27) Since 2000, new technologies have emerged that improve the availability, efficiency, speed, reliability, capacity and security of systems for the transmission and storage of data online, leading to an increasingly complex online ecosystem. In this regard, it should be recalled that providers of services establishing and facilitating the underlying logical architecture and proper functioning of the internet, including technical auxiliary functions, can also benefit from the exemptions from liability set out in this Regulation, to the extent that their services qualify as ‘mere 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, **although they do not fall within the obligations under this Regulation**, too, can benefit from the exemptions from liability, to the extent that they qualify as ‘mere conduit’, ‘caching’ or hosting service. (163 ECR)

Compromise 6 on Art 7 and recital 28

covers amendments 7, 164-170, 439 - 443

Article 7

No general monitoring, **or automated content moderation** active fact-finding obligations

1. 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. **Providers of intermediary services shall not be obliged to use automated tools for content moderation.** (441 S&D, 442 Greens)

2. **This Regulation shall not prevent providers from offering end-to-end encrypted services. The provision of such services shall not constitute a reason for liability or for becoming ineligible for the exemptions from liability.** (440 RE)

Recital 28

(28) *Member States are prevented from imposing a monitoring obligation on service providers only with respect to obligations of a general nature, imposing constant content identification from the entirety of available content.* This does not concern monitoring obligations in a specific case, *where set down in Union acts* and, in particular, does not affect orders by national authorities in accordance with national legislation *that implements European acts*, in accordance with the conditions established in this Regulation *and European lex specialis*. 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 *or as an obligation to use automated content-filtering tools. Equally, nothing in this Regulation should prevent providers from enacting end-to-end encrypting of their services.* (7 EPP, 165 RE, 167 ECR, 168 S&D).

(28 a) *Providers of intermediary services should not be obliged to use automated tools for content moderation as such tools have difficulties of effectively understanding the subtlety of context and meaning in human communication, which is necessary to determine whether assessed content violates the law or terms of service.* (170 Greens)

Compromise 7 on Art 8 and recitals 29, 30, 31 (relates to 2 ba - subject to political discussion), 33

covers amendments 31, 171-180, 182-183, 444 - 484

Article 8

Orders to act against illegal content

1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of illegal content, *received from and* issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, *including the Charter of Fundamental Rights of the European Union*, 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. (445 RE)

1 a. 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 undue delay, inform the authority that has issued the order. (447 RE)

2. Member States shall ensure that the orders referred to in paragraph 1 meet the following conditions:

(a) the orders contains the following elements:

- a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed;
- *identification of the competent judicial or administrative authority;* (454 S&D, 453 RE)
- *reference to the legal basis for the order;* (455 S&D)

- information about redress *mechanisms* available to the provider of the service and to the recipient of the service who provided the content; (456 Greens)

(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;

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10, *or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the provider.* (464 RE)

(c a) the order is issued only where no other effective means are available to bring about the cessation or the prohibition of the infringement; (467 RE)

2 a. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific template and form for such orders. (469 RE)

2 b. Member States shall ensure that providers have a right to appeal and object to implementing the order and shall facilitate the use and access to that right. (470 RE)

3. The Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

4. The conditions and requirements laid down in this article shall be without prejudice to *civil court decisions and* requirements under national criminal procedural law in conformity with Union law. (479 EPP)

4a. The conditions and requirements laid down in this article shall be without prejudice to data confidentiality and commercial secrecy requirements, in conformity with Union law including the Charter of Fundamental Rights of the European Union (482 EPP)

4 b. The Commission shall adopt implementing acts, organising a European information exchange system, allowing for secure communication and authentication of authorised orders between relevant authorities, Digital Services Coordinators and providers, as referred to in Articles 8(1), 8a(1) and 9(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. (480 ECR, 481 Greens)

Article 8 a

Orders to restore lawful content

1. Providers of intermediary services shall, upon the receipt of an order via a secure communications channel to restore a specific item or multiple items of removed content, issued by the relevant national judicial or administrative authorities on the basis of the applicable Union or national law, in conformity with Union law, inform the authority issuing the order of the effect given to the orders without undue delay, specifying the action taken and the moment when the action was taken.

2. Member States shall ensure that the orders referred to in paragraph 1 meet the following conditions:

(a) the orders contain the following elements:

(i) a statement of reasons explaining why the content in question is legal, by reference to the specific provision of Union or national law or court ruling;

(ii) one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the legal content concerned;

(iii) information about redress available to the provider of the service who removed the content and to the recipient of the service who notified the content;

(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; and

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10. (484 ECR)

Recital 29

(29) Depending on the legal 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 *in conformity with the Union law, including the Charter of Fundamental Rights of the European Union* on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations, *often leading to fragmentation of the internal market*. 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 *uniform* conditions that those orders should meet and certain complementary requirements relating to the *effective* processing of those orders. *The applicable rules on the mutual recognition of court decisions should be unaffected. (171 Greens, 172 RE, 173 EPP, 174 RE).*

Recital 30

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, *including the Charter of Fundamental Rights of the European Union and* in particular Regulation (EU) 2016/679 and the prohibition of general obligations to monitor information or to actively seek facts or circumstances indicating illegal activity laid down in this Regulation. The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should 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. (175 RE)

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the 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. ***In this context and to maintain proportionality, orders addressed to a provider that has its main establishment ~~or legal representation~~ in another Member State or outside the Union should be limited to the Member State issuing the order, unless the legal basis for the order is ~~directly applicable~~ Union law.***

Compromise 8 on Art 9 and recitals 32, 33

covers amendments 8, 32- 34, 181-183, 485 - 518

Article 9

Orders to provide information

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, ***received from and*** 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. ***Where no effect has been given to the order, a statement of the provider shall explain the reasons why the information cannot be provided to the national judicial or administrative authority that issued the order.*** (32 EPP, 485, 488 RE)

1 a. If the provider cannot comply with the information order because it contains manifest errors or does not contain sufficient information for its execution, it shall, without undue delay, inform the authority that issued the information order; (489 RE)

2. Member States shall ensure that orders referred to in paragraph 1 meet the following conditions:

(a) the order contains the following elements:

- a statement of reasons ***according to*** which the information is required and why this requirement is necessary and to determine compliance by the recipients of the intermediary services with applicable Union or national rules, unless such a statement cannot be provided for ***official*** reasons related to the prevention, investigation, detection and prosecution of criminal offences; (33 EPP, 498 RE)

- ***identification of the competent judicial or administrative authority;*** (499 S&D)

- ***reference to the legal basis for the order;*** (501 S&D)

- information about redress *mechanisms* available to the provider and to the recipients of the service concerned; (502 Greens)

(b) the order only requires the provider to provide information already *legally* collected for the purposes of providing the service and which lies within its control, *such as email addresses, telephone numbers and other contact details necessary to determine the compliance referred to in (a)*; (503 EPP)

(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, *or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the provider*; (505 RE)

(c a) the order is issued only where no other effective means are available to receive the same specific item of information; (506 RE)

2 a. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific template and form for such orders. It shall ensure that form means the standards set down in the Annex of [XXX the regulation on European Production and Preservation Orders for electronic evidence in criminal matters]. (507 RE)

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.

4. The conditions and requirements laid down in this article shall be without prejudice to *civil court decisions and* requirements under national criminal procedural law in conformity with Union law. (511 EPP)

4a. The conditions and requirements laid down in this article shall be without prejudice to data confidentiality and commercial secrecy requirements, in conformity with Union law including the Charter of Fundamental Rights of the European Union. (514 EPP)

4 b. The obligations under this Article shall not oblige providers of intermediary services to introduce new tracking of profiling techniques for recipients of the service in order to comply with orders to provide information. (513 S&D)

Recital 32

(32) The orders to provide information regulated by this Regulation concern the production of specific information about individual recipients of the intermediary service concerned who are identified in those orders for the purposes of determining compliance by the recipients of the services with applicable Union or national rules. *This information should include legally collected information, such as the relevant e-mail addresses, telephone numbers and other contact details necessary to ensure such compliance.*

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. (8, 181 EPP).

Recital 33

(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 *as defined in Union or national law in accordance with Union law, including the Charter of Fundamental Rights of the European Union*, respectively, where they are addressed to providers of intermediary services established in another Member State, they do not in principle restrict those providers' freedom to provide their services across borders. Therefore, the rules set out in Article 3 of Directive 2000/31/EC, including those regarding the need to justify measures derogating from the competence of the Member State where the service provider is established on certain specified grounds and regarding the notification of such measures, do not apply in respect of those orders. (182, 183 RE).

batch II

Compromise 9 on recitals 34, 35 in Chapter III

~~covers amendments 184–187~~

(34) — In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure *an accessible*, safe and transparent online environment, it is necessary to establish a clear, *predictable* and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, *such as those with protected characteristics under Article 21 of the Charter*, 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, *ensuring the right balance between support for innovation on the one hand and protection for consumers and users on the other*. (184 EPP, 185 RE)

(35) In that regard, it is important that the due diligence obligations are adapted to the type and nature of the intermediary service concerned. This Regulation therefore sets out basic obligations applicable to all providers of intermediary services, as well as additional obligations for providers of hosting services and, more specifically, online platforms and very large online platforms. To the extent that providers of intermediary services may fall within those different categories in view of the nature of their services and their size, they should comply with all of the corresponding obligations of this Regulation. Those harmonised due diligence obligations, which should be reasonable and non-arbitrary, are needed to achieve the identified public policy concerns, such as safeguarding the legitimate interests of the recipients of the service, addressing illegal practices and protecting fundamental rights online.

Compromise 10 on Art -10a, 10, recital 34, 35, 36, 36a

Article -10a

Waiver

1. Providers of intermediary services may apply to the Commission for a waiver from the requirements of Chapter III, if they prove that they are:

(a) micro, small and medium enterprises within the meaning of the Annex to Recommendation 2003/361/EC, including when carrying out their activities on a non-for-profit basis or pursuant a public interest mission or

(b) a medium enterprises within the meaning of the Annex to Recommendation 2003/361/EC without any systemic risk related to illegal content. The Providers shall present justified reasons for their request.

(c) editorial platforms within the meaning of Article 2(h a) of this Regulation;

1.a (new) The providers of intermediary services carrying out their activities on a non-for-profit basis or pursuant a public interest mission shall be independent from any entity that operates on a for-profit basis for the purposes of this article;

2. The Commission shall examine such an application and, after consulting the Board, may issue a waiver in whole or in parts to the requirements of this Chapter.

3. Upon the request of the Board or the provider, or on its own initiative, the Commission may review a waiver issued and revoke the waiver in whole or in parts.

4. The Commission shall maintain a list of all waivers issued and their conditions and shall publish this list to the public. (519 RE, 520 Greens)

Article 10

Points of contact

[COM text remains unchanged]

(34) In order to achieve the objectives of this Regulation, and in particular to improve the functioning of the internal market and ensure ***an accessible***, safe and transparent online environment, it is necessary to establish a clear, ***predictable*** and balanced set of harmonised due diligence obligations for providers of intermediary services. Those obligations should aim in particular to guarantee different public policy objectives such as the safety and trust of the recipients of the service, including minors and vulnerable users, ***such as those with protected characteristics under Article 21 of the Charter***, 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, ***ensuring the right balance between support for innovation on the one hand and protection for consumers and users on the other.*** (184 EPP, 185 EPP)

(35) ***In order to make sure*** 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, in whole or in parts, to those*** providers of intermediary services ***that are non-for-profit or pursue a public interest mission and are SMEs without any systemic risk related to illegal content. The Providers shall present justified reasons for why*** they should ***be issued a waiver. The Commission should examine such an application and has the authority to issue or revoke a waiver at any time. The Commission should maintain a public list of***

all waivers issued and their conditions containing a description on why the provider is justified a waiver. (186 RE)

(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 **and up-to-date** 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 to have a physical location. (188 S&D)

(36 a) In order to promote the freedom of expression and media pluralism online, the importance of editorial content and services must be recognised, requiring intermediary service providers to refrain from removing, suspending or disabling access to it. It follows that intermediary service providers should be exempt from liability for editorial content and services. Intermediary service providers should put mechanisms in place to facilitate the practical application, for example, the flagging of lawful editorial content and services by content providers. Providers of editorial content and services should be identified by the Member State in which the provider is established. These providers should be understood as performing an economic activity within the meaning of Articles 56 and 57 TFEU. (346 EPP)

Compromise 11 on Art 11, recital 37
amendments 35, 36, 37, 524 - 532, 9

Article 11

Legal representatives

1. Providers of intermediary services which do not have an establishment in the Union but which offer services in the Union shall designate, **for those already existing as soon as possible, for those to be established prior to the establishment**, in writing, a legal or natural person as their legal representative in one of the Member States where the provider offers its services. **The Member States may require very large online platforms to designate a legal representative in their Member State.** (35, 525 EPP)

2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities, the Commission and the Board on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and **resources in order to guarantee their proper and timely cooperation** with the Member States' authorities, the Commission and the Board and **compliance** with those decisions (36 EPP)

3. [COM text remains unchanged]

4. Providers of intermediary services shall notify the name, **postal** 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. **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. (529 ECR)

5. [COM text remains unchanged]

5a. Providers of intermediary services that qualify as micro or small enterprises as defined in 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 obtain a legal representative facilitates further cooperation and recommends possible solutions, including possibilities for collective representation. (37 EPP)

5b. Providers of online social networking services designated as very large online platform according to Article 25 shall designate a legal representative to be bound to obligations laid down in this Article at the request of the Digital Services Coordinator of the Member States where this provider offers its services. (530 ECR)

(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. *In order to avoid disproportionate burden, micro and small enterprises as defined in Commission Recommendation 2003/361/EC, should be exempt from the obligation to designate a legal representative. (9 EPP)*

Compromise 12 on Art 12 and 12a, recitals 38, 38a
covers amendments 38 - 40, 533 - 560, 190 - 193

Article 12
Terms and conditions

1. Providers of intermediary services shall *ensure that* their terms and conditions *prohibit* the recipients *of their services from providing content that is not in compliance with Union law or the law of the Member State where such information is made* available. (EPP 37, GUE 533).

The terms and conditions 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. 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 format, in the languages in which the service is offered and include a searchable archive of previous versions with their date of application of the provider's terms and conditions. Providers of intermediary services shall provide recipients of services with a concise and easily readable summary of the terms and conditions, including information on the

available remedies and the possibilities for opt-out, where relevant. (533 GUE, 534 S&D, 535 RE, 536 Greens, 538 ECR, 539 RE, 547 S&D)

2. Providers of intermediary services shall *ensure that any additional* restrictions *that they impose in relation to the use of their service in respect of information provided by* the recipients of the service *are designed with due regard to the fundamental rights* as enshrined in the Charter. (EPP 39, RE 540)

Providers of intermediary services shall enforce the restrictions referred to in paragraph 2 in a diligent, objective and proportionate manner, with due regard to the rights and legitimate interests of all parties involved. (EPP 40)

2a. *Where very large online platforms within the meaning of Article 25 of this Regulation otherwise allow for the dissemination to the public of press publications within the meaning of Article 2(4) of Directive (EU) 2019/790 and of audiovisual media services within the meaning in Article 1 (a) of Directive (EU) 2018/1808, such platforms shall not remove, disable access to, suspend or otherwise interfere with such content or the related service or suspend or terminate the related account on the basis of the alleged incompatibility of such content with its terms and conditions, unless it is illegal content. .* (544 GUE, 545 EPP, 557 ECR)

2b. *The Digital Services Coordinator of each Member State has the right to request very large online platforms, to apply measures and tools of content moderation, including algorithmic decision-making and human review reflecting Member State's socio-cultural context. The framework for this cooperation as well as specific measures related thereto may be laid down in national legislation and shall be notified to the Commission.* (550 ECR)

2c. *Providers of intermediary services shall refrain from any dark patterns or other techniques to encourage the acceptance of terms and conditions, including giving consent to sharing personal and non-personal data.* (551 RE)

2d. *The Digital Services Coordinator of each Member State, by means of national legislation, may request a very large online platform to cooperate with the Digital Services Coordinator of the Member State in question in handling cases involving the removal of lawful content online that is taken down erroneously.* (ECR 553)

Article 12a (559 RE)

General Risk Assessment and Mitigation Measures

1. *Providers of intermediary services shall identify, analyse and assess, at least once a year, the potential misuse or other risks stemming from the functioning and use made of their services in the Union. Such a general risk assessment shall be specific to each of their services and shall include at least risks related to the dissemination of illegal content through their services and any contents that might have a negative effect on potential recipients of the service.*

2. *Providers of intermediary services shall wherever possible, attempt to put in place reasonable, proportionate and effective mitigation measures to the risk identified in line with applicable law and their terms and conditions.*

3. *Providers of intermediary services shall, upon request, explain to the competent Digital Services Coordinator, how it undertook this risk assessment and what mitigation measures it undertook.*

4. *Providers of intermediary services shall specifically consider in the design, functioning and use of their services any actual, potential or foreseeable negative impact on fundamental rights, gender equality, and the protection of minors and people with disabilities.*

(38) Whilst the freedom of contract of providers of intermediary services should in principle be respected, it is appropriate to set certain *uniform and proportional* (192 EPP) rules on the content, application and enforcement of the terms and conditions of those providers in the interests of transparency, the protection of recipients of the service and the avoidance of unfair or arbitrary outcomes. *In particular, it is important to ensure that terms and conditions are fair, non-discriminatory and transparent, and are drafted in a clear and unambiguous language in line with applicable Union 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, the legal consequences to be faced by the users for knowingly storing or uploading illegal content 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. (190 S&D)*

(38a) Providers can take voluntary measures for general risk assessments of potential risks related to their services, for example in relations with minors. These measures shall not lead to any new profiling, tracking or identification obligations on providers of intermediary services. (193 RE, 352 The Left)

Compromise 13 on Art 13, 13a, 13b, recitals 38b, 39 covers amendments 561 - 584, 560, 585 194, 195, 3

Article 13

Transparency reporting obligations for providers of intermediary services

1. Providers of intermediary services shall publish, at least once a year, clear, easily *accessible*, comprehensible, and detailed reports on any content moderation they engaged in during the relevant period. *The reports shall be available in searchable archives.* Those reports shall include, in particular, information on the following, as applicable: (RE 561)
 - (a) the number of orders received from Member States' authorities, categorised, *where possible*, by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average time needed *to inform the authority issuing the order of its receipt and the time* for taking the action specified in those orders; (563 RE, 564 EPP)
 - (b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, *the number of notices submitted by trusted flaggers*, 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; (RE 565, 566 EPP.)

- (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;
- (d) the number of complaints received through the internal complaint-handling system referred to in Article 17, *where identifiable*, 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. (EPP 570)

1a. *Providers of intermediary services shall ensure that the identities, such as the trademark/logo or other characteristic traits of trade users providing goods or services on intermediary services are clearly visible alongside the goods or services provided. (GUE 572, 583 EPP)*

2. [COM text remains unchanged].

2a. *Where made available to the public, the annual transparency reports referred to in paragraph 1 shall not include information that may prejudice ongoing activities for the prevention, detection, or removal of illegal content or content counter to a hosting provider's terms and conditions. (579 RE)*

Art 13 a

Online interface design

1. *Providers of intermediary services shall refrain from subverting or impairing autonomous decision-making or free choice of a recipient of a service through the design, functioning or operation of online interfaces or a part thereof. In particular, providers shall refrain from: (S&D 584)*

(a) *according visual prominence to one option when asking the recipient of the service for consent or a decision; (S&D 584, 558 RE)*

(b) *repeatedly requesting consent to data processing or requesting a change to a setting or configuration of the service after the recipient of the service has already made its choice; (S&D 584, 558 RE)*

(c) *making the refusal of consent to data processing more difficult or time-consuming to the recipient of the service than giving consent;*

(d) *making the procedure of cancelling a service more difficult than signing up to it. (559 RE, 584 S&D)*

2. *A choice or decision made by the recipient of the service using an online interface that does not comply with the requirements of paragraph 1 shall not constitute consent in the sense of Regulation (EU) 2016/679. (Greens 582)*

3. *The Commission shall publish guidelines with a list of specific design patterns that qualify as subverting or impairing the autonomy, decision-making, or choice of the recipients of the service. (S&D 584, RE 558, 560)*

Art 13 b

Compliance with obligations for online marketplace

Online marketplace shall ensure compliance with the obligations laid down in this Regulation, in order to achieve the objectives of the relevant obligation in an effective manner.

The non-compliance with the obligations laid down in the Regulation may affect the possibility for online marketplace of benefiting from the liability exemption as laid down in Article 5 paragraph 1.

(38b) The exemptions from liability established in this Regulation should not be available to providers of intermediary services that do not comply with the obligations set out in this Regulation. The non-compliance may affect the possibility of benefiting from the liability exemption, as the aim of this Regulation is to ensure that the standards to qualify for such exemptions contribute to a high-level of safety and trust in the online environment. [AM 3]

(39) To ensure an adequate level of transparency and accountability, providers of intermediary services should annually report, in accordance with the harmonised requirements contained in this Regulation, on the content moderation they engage in, including the measures taken as a 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/EC⁴⁰. ***In any public versions of such reports, providers of intermediary services should remove any information that may prejudice ongoing activities for the prevention, detection, or removal of illegal content or content counter to a hosting provider's terms and conditions. (194 RE)***

Compromise 14 on Article 14 (and title of section), recital 40, 40a, 40b, 41, 41a covers amendments 41, 46, 59, 585 - 623, 196 - 206,

Section 2

Additional provisions applicable to providers of hosting services, including online platforms and to providers of livestreaming platform services and of instant messaging services used for purposes other than private or non-commercial
(40 41 EPP, 585 RE)

Article 14

Notice and action mechanism

1. Instant messaging services used for purposes other than private or non-commercial and providers of hosting services, including online platforms, 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, or content that is in breach with their terms and conditions. Those mechanisms shall be easy to access, clearly visible on the hosting service interface, user-friendly and located close to the content in question allowing for the submission of notices exclusively by electronic means in the language of the individual or entity submitting a notice. (EPP 41, 587 RE, 588 S&D, 647 EPP)

2. *Notices submitted under 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 *reviewer* can identify the illegality *or the breach* of the content in question *with the terms and conditions*. To that end, the providers shall take the necessary measures to enable facilitate the submission of notices containing all of the following elements: (RE 590, ECR 591)

(a) *a sufficiently substantiated* explanation of the reasons why the individual or entity considers the information in question to be illegal content, *or content that is in breach with providers' terms and conditions*; (592 RE, 593 S&D)

(b) a clear indication of the electronic location of that information enabling the identification of the illegal content, *or why the content such as the trademark/logo or other characteristic traits, is in breach with providers' terms and conditions* (594 RE, EPP 43, 596 GUE)

(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;

(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.

3. Notices that include the elements referred to in paragraph 2 *on the basis of which a diligent economic provider 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 (605 GUE, S&D 606)

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.

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.

6. *Instant messaging services used for purposes other than private or non-commercial* and providers of hosting services, *including online platforms without prejudice to Article 5 paragraph 1 (b)* 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 *swift, non-discriminatory* and objective manner *and in any case within a maximum of 72 hours. Where decisions on the removal or deactivation of access to content are taken, providers of hosting services may take, , all measures , necessary to prevent the same illegal content or equivalent illegal content from reappearing on their service The application of this paragraph shall not lead to any general monitoring obligation (619 RE) and shall be subject to human review.* Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 6a. *This means, in particular, key information on the procedure followed, the technology used, the criteria and reasoning underpinning the decision and the rationale behind any automated decision-making.* (GUE 612, 614 ECR, 615 RE, 619 RE, 44 EPP.)

6b. Providers of hosting service shall, without undue delay and in any case within the deadlines set out in Art 5 of the receipt of the notification at the latest, inform consumers

who have purchased illegal products between the moment they have been uploaded on the provider's website and the moment the listing has been taken down by the platform following a valid notice. These measures shall not lead to any new profiling, tracking or identification obligation of providers. (EPP 45, GUE 622)

6c. Where providers of hosting services, live streaming platform services and of instant messaging services used for purposes other than private or non-commercial have previously taken down, removed or deactivated access to illegal content as a result of a notice and a valid claim procedure which did not lead to a successful appeal, they may take all reasonable, proportional action to block, deactivate or permanently take down the illegal content or any identical content. (GUE 618, EPP 45, 619 RE)

6d. The taking down, removal or deactivation of access as defined in Article 14(6a) may be annulled by the following measures: a successful appeal, or a judicial ruling by a court with jurisdiction in a Member State, the General Court or the Court of Justice of the European Union. (GUE 621)

6e. This article shall not apply to editorial content provided by a trader assuming editorial responsibility for that content and complying with rules which are in line with community and national law. (GUE 623)

(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 *easily accessible, comprehensive and* 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, *based on its own assessment*, whether or not it agrees with that assessment and wishes to remove or disable access to that content ('action'). Provided the requirements on notices are met, it should be possible for individuals or entities to notify multiple specific items of allegedly illegal content through a single notice. *Online platforms should try to prevent that a content which has already been identified as illegal and that has been removed on the basis of a prior notice, reappears again. The application of it should not lead to any general obligation and should be subject to human review.* 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. Furthermore, the notice and action mechanism should be complemented by 'stay down' provisions whereby providers of hosting services should demonstrate their best efforts in order to prevent from reappearing content which is identical to another piece of content that has already been identified and removed by them as illegal. The application of this requirement should not lead to any general monitoring obligation (10 EPP, 197 RE, 199 ECR, 200 The Left 201 S&D)

(40 a) 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 as to an online platform and not to the hosting service provider on which provides services to that online platform. Such hosting service providers

should redirect such notices to the particular online platform and inform the notifying party of this fact. (202 RE)

(40 b) Hosting providers should seek to act only against the items of information notified. This may include acts such as disabling hyperlinking to the items of information. Where the removal or disabling of access to individual items of information is technically or operationally unachievable due to legal, contractual, 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. If a recipient fails to act or delays action, or the provider has reason to believe has failed to act or otherwise acts in bad faith, the hosting provider may suspend their service in line with their terms and conditions. (203 RE)

(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 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.

(41 a) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, either because it is illegal or is not allowed under its terms and conditions, it should do so in a timely manner, taking into account the potential harm of the infraction and the technical abilities of the provider. (206 RE)

Compromise 15 on Article 14 a, recital 46
covers amendments 59, 705 - 745, 11, 222 - 228

Article 14a (previously Art 19)
Trusted flaggers

1. Online platforms and **providers of hosting services** 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 **immediately** processed and decided, **without prejudice to the implementation of a complaint and redress mechanism (EPP 59, 707 RE, 709 GUE, 710 EPP).**

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, without prejudice to the implementation of a complaint and redress mechanism:

(a) it has particular expertise and competence **that could be exercised in one or more Member States**, for the purposes of detecting, identifying and notifying illegal content, **as**

well as intentional manipulation and exploitation of the service in the sense of Article 26, paragraph 1(c); (715 RE, 716 ECR)

(b) it represents collective interests *or as individual right holder* and is independent from any online platform, *law enforcement, or other government or relevant commercial entity*; (RE 720, S&D 721)

(c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner, *and in full respect of fundamental rights such as the freedom of expression and information, and it is independent. (724 S&D, 59 EPP)*

(ca) it publishes, at least once a year, clear, easily comprehensible and detailed reports on any notices submitted in accordance with Article 14 during the relevant period. The report shall list notices categorised by the identity of the hosting service provider, the type of alleged illegal or terms and conditions violating content concerned, and what action was taken by the provider. In addition, the reports shall identify relationships between the trusted flagger and any online platform, law enforcement, or other government or relevant commercial entity, and explain the means by which the trusted flagger maintains its independence.

(Greens 725, RE 728, ECR 733)

2a. The conditions set in paragraph 2 allow trusted flaggers's notifications to be sufficient for immediate removal or disabling the content notified by them. (59 EPP)

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. *This communication shall include the geographical scope within which the trusted flagger competence was recognised based on the approval of a particular Digital Services Coordinator and information on expertise and competence declared by the trusted flagger. (ECR 730)*

3a. Member States may recognise entities that were awarded the status of trusted flaggers in another Member State as a trusted flagger on their own territory. Upon request by a Member State, trusted flaggers can be awarded the status of European trusted flagger by the Board, in accordance with Article 48, par. 2. The Commission shall keep register of European trusted flaggers. (734 RE)

4. The Commission shall publish the information referred to in paragraph 4 in a publicly available database and keep the database updated.

5. Where an online platform *or a provider of hosting services* has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated *or incorrect* notices, *or notices violating recipients' fundamental rights* or aiming at distorting competition, through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents. (738 GUE, S&D 736)

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 information received by third parties, including the information provided by

an online platform *or a provider of hosting services* pursuant to paragraph 6, that the entity no longer meets the conditions set out in paragraph 2. The Digital Services Coordinator cannot so take into account any evidence according to which the entity would have used its status to distort competition. 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. (GUE 740)

7. The Commission, after consulting the Board, *shall* issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 2, 4a, 6 and 7. (RE 742)

(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 *or those of individual rightholders* and that they work in a diligent and objective manner. Such entities can be public in nature, such as, for terrorist content, internet referral units of national law enforcement authorities or of the European Union Agency for Law Enforcement Cooperation ('Europol') or they can be non-governmental organisations and semi-public bodies, such as the 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, of right-holders and other relevant legal entities (228 The Left) could be awarded trusted flagger status, where they have demonstrated that they meet the applicable conditions. *The same should be granted to applicants within the meaning of Regulation (EU) No 608/2013 or in case of complaints pursuant to Regulation (EU) 2019/1020 so as to ensure that existing rules regarding custom enforcement or consumer protection are effectively implemented to online sale.* 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. (11 EPP, 226 S&D)

Compromise 15a on Art 15, 15a, 15b, 15c, recital 42

covers amendments 47 - 51, - 642, 774

Article 15

Statement of reasons

1. Where a provider of hosting services decides to remove, disable access to *or otherwise restrict the visibility of* specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing, disabling access to *or reducing the visibility of* 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 *or the restriction*

of visibility of the decision and provide a clear and specific statement of reasons for that decision. (47 EPP, 624 RE, 625 The Left, 627 ECR)

1a. *When the removing or disabling access to specific items of information is followed by the transmission of these specific items of information in accordance with Article 15a, the requirement to inform the recipient set out in par.1 may be postponed by a period of six weeks in order to avoid interfere with potential ongoing criminal investigations. The period of six weeks can be renewed only following a motivated decision of the competent authority to which the specific items of information had been transmitted.* (628 RE, 48 EPP)

2. The statement of reasons referred to in paragraph 1 shall at least contain the following information:

- (a) whether the decision entails either the removal of, the disabling of access to, ***the restriction of the visibility of***, the information and, where relevant, the territorial scope of the disabling of access ***or of the restriction of visibility***; (49 EPP, 630 RE, 631 The Left)
- (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;
- (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;
- (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;
- (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;
- (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.

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.

4. Providers of hosting services shall publish the decisions and the statements of reasons, referred to in paragraph 1 in a database managed by the Commission ***which is accessible to national and European authorities***. That information shall not *include personal data*. (635 The Left)

4a. *Paragraphs 2, 3 and 4 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. In addition, those paragraphs shall not apply to enterprises that previously qualified for the status of a micro or small enterprise within the meaning of the Annex to Recommendation 2003/361/EC during the twelve months following their loss of that status.* (634 EPP)

Article 15a (638 RE, 50 EPP)

Preservation of content and related data, and mandatory transmission of specific items of information

1. Providers of hosting services shall store the illegal content which has been removed or access to which has been disabled as a result of content moderation, or of an order to act against a specific item of illegal content as referred to in Article 8, as well as any related data removed as a consequence of the removal of such illegal content, which are necessary for:

- (a) administrative or judicial review or out-of-court dispute settlement against a decision to remove or disable access to illegal content and related data; or***
- (b) the prevention, detection, investigation and prosecution of criminal offences.***

1a. Illegal content referred to in this article means content related to human trafficking and child pornography, as well as content that publicly inciting to violence directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin in accordance with Council Framework Decision 2008/913/JHA and Directive 2011/36/EU of the European Parliament and of the Council.

2. Providers of hosting services shall store the illegal content and related data pursuant to in paragraph 1 for six months from the date of removal or disabling access to it. The illegal content shall, upon request from the competent authority or court, be stored for a further specified period only if and for as long as necessary for ongoing administrative or judicial review as referred to in paragraph 1, point (a).

3. Providers of hosting services shall ensure that the illegal content and related data stored pursuant to paragraph 1 are subject to appropriate technical and organisational safeguards. Those technical and organisational safeguards shall ensure that the illegal content and related data stored are accessed and processed only for the purposes referred to in paragraph 1 and shall ensure a high level of security of personal data concerned. Providers of hosting services shall review and update those safeguards where necessary.

4. Providers of hosting services shall transmit to the competent authorities of the Member States the illegal content which has been removed or access to which has been disabled, whether such a removing or disabling access to is a result of a voluntary content moderation or of a use of the notice and action mechanism referred to in Article 14. They shall transmit that illegal content under the following conditions:

- (a) illegal content referred to in paragraph 1a of this Article; and***
- (b) the competent law enforcement authority to receive such illegal content is that of the Member State of the residence or establishment of the person who made the illegal content available, or, failing that, the law enforcement authority is that of the Member State in which the provider of hosting services is established or has its legal representative, or, failing that, the provider of hosting services shall inform Europol;***
- (c) when the provider of hosting services is a very large online platform in accordance with the Section 4 of Chapter III, it shall, when transmitting the illegal content, add a flag indicating that the illegal content involves a threat to the life or safety of persons.***

5. Each Member State shall notify to the Commission the list of its competent law enforcement authorities for the purposes of paragraph 4.

1a Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law (OJ L 328, 6.12.2008, p. 55).

1b 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).

Article 15b

Notification of suspicions of serious criminal offences

1. Where a provider of hosting services becomes aware of any information giving rise to a suspicion that a serious criminal offence involving a threat to the life or safety of persons, such as child pornography and human trafficking, 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.

2. Where 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 established or has its legal representative or shall inform Europol.

2a. 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. (RE 774)

3. For the purpose of this Article, the Member State concerned shall be the Member State where the serious criminal offence is suspected to have taken place, to be taking place or to likely take place, or the Member State where the suspected offender resides or is located, or the Member State where the victim of the suspected serious criminal offence resides or is located.

4. For the purpose of this Article, each Member State shall notify to the Commission the list of its competent law enforcement or judicial authorities. (51 EPP, 641 RE)

Article 15c

Principles for content management

1. Content management shall be conducted in a fair, lawful and transparent manner. Content management practices shall be appropriate, proportionate to the type and volume of content, relevant and limited to what is necessary in relation to the purposes for which the content is managed. Content hosting platforms shall be accountable for ensuring that their content management practices are fair, transparent and proportionate.

2. Users shall not be subjected to discriminatory practices, exploitation or exclusion, for the purposes of content moderation by the content hosting platforms, such as removal of user-generated content based on appearance, ethnic origin, gender, sexual orientation, religion or belief, disability, age, pregnancy or upbringing of children, language or social class.

3. Content hosting platforms shall provide the users with sufficient information on their content curation profiles and the individual criteria according to which content

hosting platforms curate content for them, including information as to whether algorithms are used and their objectives.

4. *Content hosting platforms shall provide users with an appropriate degree of influence over the curation of content made visible to them, including the choice of opting out of content curation altogether. In particular, users shall not be subject to content curation without their freely given, specific, informed and unambiguous prior consent. (639 S&D).*

(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 have proven to be efficient, proportionate and reliable*, (211 RE) that provider may *prevent the reappearance of the notified or equivalent illegal information. The provider should also* (210 ECR) inform the recipient of its decision, the reasons for its decision and the available redress possibilities to contest the decision, in view of the negative consequences that such decisions may have for the recipient, including as regards the exercise of its fundamental right to freedom of expression. That obligation should apply irrespective of the reasons for the decision, in particular whether the action has been taken because the information notified is considered to be illegal content or incompatible with the applicable terms and conditions. Available recourses to challenge the decision of the hosting service provider should always include judicial redress. *However, the information to the recipient should not be required if it relates to spam, removal of content similar or identical to content already removed from the same recipient, who has already received a statement.* (208, 211 RE, 210 ECR)

Batch III

Compromise 16 on Article 16, recital 43
covers amendments 52, 643 - 647, 215 - 217

Article 16

Exclusion for micro and small enterprises

This Section shall not apply to online platforms that qualify as micro or small enterprises *as defined in Recommendation 2003/361/EC and to online platforms that no longer qualify as micro or small enterprises and that are not owned by entities having their establishment outside the European Union.* (EPP 52, ID 645)

(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,⁴¹ unless their reach and impact is such that they meet the criteria to qualify as very large online platforms under this Regulation *or are held or controlled by entities established outside the European Union (216, ID)*. The consolidation rules laid down in that Recommendation help ensure that any circumvention of those additional obligations is prevented. The exemption of micro- and small enterprises from those additional obligations should not be understood as affecting their ability to set up, on a voluntary basis, a system that complies with one or more of those obligations.

Compromise 17 on art 17, recital 44

covers amendments 53 - 58, 648 - 677, 220, 221

Article 17

Internal complaint-handling system

1. Online platforms shall provide recipients of the service, *as well as individuals or entities that have submitted a notice*, for a period of at least six months following the decision referred to in this paragraph, the access to an effective internal complaint-handling system, which enables the complaints to be lodged electronically and free of charge, against the *decision taken by the online platform not to act after having received a notice, and against the* following decisions taken by the online platform on the ground that the information provided by the recipients is illegal content or incompatible with its terms and conditions: (EPP 53, RE 649, RE 650, Left 648)

(a) decisions *whether or not* to remove, *suspend the possibility of purchase or rental*, disable access to *or restrict the visibility of* the information; (EPP 54, Left 652, RE 655, 654, 656 S&D)

(b) decisions *whether or not* to suspend or terminate the provision of the service, in whole or in part, to the recipients; (RE 658, S&D 657)

(c) decisions *whether or not* to suspend or terminate the recipients' account. (RE 660, S&D 659)

(ca) *decisions to restrict or not the ability to monetize content provided by the recipients.* (EPP 55, S&D 663, RE 662)

(cb) *decisions of online marketplaces to suspend the provisions of their services to traders;* (RE 666)

(cc) *decisions that adversely affect the recipient's access to significant features of the platform's regular services;* (S&D 668)

(cd) *decisions not to act upon a notice.* (S&D 669)

(cb) *decisions against or in favour of applying additional content labels or information to content provided by the recipients;* (665 S&D, 667 RE)

(ce) *decisions whether or not to apply additional labels or additional information to content provided by the recipients.*(AMs 665 and 667)

1a. *When the decision to remove or disable access to the information is followed by the transmission of this information in accordance with Article 15a, the period of at least six months as set out in paragraph 1 shall be considered to start from the day on which the recipient was informed in accordance with Article 15(2).* (EPP 56, RE 670)

2. [text of COM remains unchanged]

3. Online platforms shall handle complaints submitted through their internal complaint-handling system in a timely, diligent and *non-arbitrary* manner *and without undue delay*. Where a complaint contains sufficient grounds for the online platform to consider that the information to which the complaint relates is not illegal and is not incompatible with its terms and conditions, or contains information indicating that the complainant's conduct does not warrant the suspension or termination of the service or the account, it shall reverse its decision referred to in paragraph 1 without undue delay. (EPP 57, 671 Greens)

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 *and the individual or bodies which submitted a referral linked to the complainant's request* of the possibility of out-of-court dispute settlement provided for in Article 18 and other available redress possibilities. (Left 673) *The decision mentioned in this paragraph shall also include:*

- *information on whether the decision referred to in paragraph 1 was taken as a result of human review;*
- *in case the decision referred to in paragraph 1 is upheld, a detailed explanation on how the information to which the complaint relates to is in breach of the platform's terms and conditions or why the online platform considers the information to be unlawful.* (ECR 672)

5. Online platforms shall ensure *that recipients of the service may contact a human interlocutor at the time of the submission of the complaint and* that the decisions, referred to in paragraph 4, are not solely taken on the basis of automated means. (EPP 58, 675 RE)

5a. Online platforms shall ensure that any relevant information in relation to decisions taken by the internal complaint-handling mechanism is available to recipients of the service for the purpose of seeking redress through an out-of-court dispute settlement body pursuant to Article 18 or before a court. (S&D 677, ECR 676)

(44) Recipients of the service should be able to easily and effectively contest certain decisions of online platforms that negatively affect them. Therefore, online platforms should be required to provide for internal complaint-handling systems, which meet certain conditions aimed at ensuring that the systems are easily accessible and lead to swift and fair outcomes. In addition, provision should be made for the possibility of out-of-court dispute settlement of disputes, including those that could not be resolved in satisfactory manner through the internal complaint-handling systems, by certified bodies *located in either the Member State of the recipient or the provider and that (220 RE)* have the requisite independence, means and expertise to carry out their activities in a fair, swift and cost-effective manner. *Dispute resolution proceedings should be concluded within a reasonable period of time.* (221 S&D) 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.

Compromise 18 on Article 18, recital 45 covers amendments 678 - 705

Article 18

Out-of-court dispute settlements

1. *After internal complaint handling mechanisms are exhausted,* recipients of the service *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 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. (EPP 680, RE 679, 678 Greens)

The first subparagraph is without prejudice to the right of the recipient, concerned to redress against the decision before a court in accordance with the applicable law. **Judicial redress against a decision by an out-of-court dispute settlement body shall be directed against the online platform, not the settlement body.** (S&D 681, Greens 704)

1a. Where a recipient seeks a resolved to multiple complaints, either party may request that the out-of-court dispute settlement body treats and resolves these complaints in a single dispute decision. (RE 683)

2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall certify the body, where the body has demonstrated that it meets all of the following conditions: (684 S&D)

(a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms, **including aspects such as financial resources and personnel, and is legally distinct from and functionally independent of the government of the Member State or any other public or private body as well as of individuals or entities that have submitted notices;** (RE 685, 686 Greens, S&D 687, 688 RE)

(b) it has necessary expertise in relation to the issue 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, allowing the body to contribute effectively to the settlement of a dispute;

(c) the dispute settlement is easily accessible, **including for persons with disabilities,** through electronic communication technology; (RE 692, ID 693)

(d) it is capable of settling dispute in a swift, efficient, **accessible for persons with disabilities** and cost-effective manner and in at least one official language of the Union; (RE 694)

(e) the dispute settlement takes place in accordance with clear and fair rules of procedure **which are easily and publicly accessible.** (695 Greens, 696 S&D)

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.

Certified out-of-court dispute settlement bodies shall conclude dispute resolution proceedings within a reasonable period of time. (S&D 697)

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.

The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof. Out-of-court dispute settlement procedures shall preferably be free of charge for the recipient (698 Greens, 700 Left)

Certified out-of-court dispute settlement bodies shall make **information on** the fees, or the mechanisms used to determine the fees, **publicly available.** (S&D 701)

3a. Decisions reached by an out-of-court dispute settlement body shall not be disputable by another out-of-court dispute settlement body and the resolution of a particular dispute may only be discussed in one out-of-court dispute settlement body. (S&D 703)

(45) [recital (45) : COM text remains unchanged (no amendments)]

**Compromise 19 on Article 19a
covers amendments 744**

Article 19a (RE 744)

Accessibility requirements for online platforms

- 1. Providers of online platforms which offer services in the Union shall ensure that they design and provide services in accordance with the accessibility requirements set out in Section III, Section IV, Section VI, and Section VII of Annex I of Directive (EU) 2019/882.*
- 2. Providers of online platforms shall prepare the necessary information in accordance with Annex V of Directive (EU) 2019/882 as well as information, forms and measures provided pursuant to this Regulation and shall explain how the services meet the applicable accessibility requirements. The information shall be made available to the public including in a manner which is accessible to persons with disabilities. Providers of online platforms shall keep that information for as long as the service is in operation.*
- 3. 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.*
- 4. 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.*
- 5. Provider of online platforms shall, further to a reasoned request from a competent authority, provide it with all information necessary to demonstrate the conformity of the service with the applicable accessibility requirements. 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.*
- 6. Online platforms which are in conformity with harmonised standards or parts thereof 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.*
- 7. 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.*

Compromise 20 on Art 20, recital 47

covers amendments 60 - 61, 745 - 766, 229 - 231

Article 20

Measures and protection against misuse

1. ***Providers of hosting services and*** online platforms shall, ***after having issued a prior warning, enable***, suspend, for a ***specified*** period of time, ***or terminate*** the provision of their services to recipients of the service that ***repeatedly*** provide illegal content. (*RE 748, The Left 747, EPP 60, ID 753*). ***The online platform may request support from the Digital Service Coordinator to establish the frequency for which account suspension is deemed necessary and to set the duration of the suspension (AM 746 ID).***

1a. Online marketplaces shall publish the information on traders suspended, pursuant to paragraph 1 gathered in accordance with Article 22, paragraph 1, in the database as referred to in Article 15 para. 4. When the suspension expires, the data should be deleted from that database. (EPP 751)

2. ***Providers of hosting services and*** online platforms shall, ***after having issued at least three prior warning***, suspend, for a ***specified*** period of time, ***or terminate*** 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. (*EPP 61, The Left 752, 754 ECR, ID 753*).

3. ***Providers of hosting services and 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 ***them***. Those circumstances shall include at least the following: (*The Left 755*)

(a) the absolute numbers of items of illegal content or unfounded notices or complaints, submitted in the past year; (*758 ID, The Left 759*)

b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in the past year;

c) the gravity of the misuses and its consequences;

(d) ***where identifiable***, the intention of the recipient, individual, entity or complainant. (*EPP 760*)

3a. Suspensions referred to in paragraphs 1 and 2 may be declared permanent where:

(a) ***compelling reasons of law or public policy, including ongoing criminal investigations, justify avoiding or postponing notice to the recipient;***

(b) ***the items removed were components of high-volume campaigns to deceive users or manipulate platform content moderation efforts; or***

(c) *the items removed were related to content covered by [Directive 2011/93/EU updated reference] or [Directive (EU) 2017/541 XXX New Ref to TCO Regulation].* (RE 761)

3b. *The assessment must be carried out by qualified staff provided with dedicated training on the applicable legal framework. (763 ID)*

3c. *Without prejudice to Article 4 of the P2B Regulation, providers of hosting services shall do all in their power to ensure that users which have been suspended from the service cannot use it again until such time as the suspension is lifted.*

Where an online platform stops providing its services to a trade user, it shall provide that user, at least 15 days before the termination comes into force, with the reasons for its decision and shall inform it of the possibility to challenge the decision under Article 17. (The Left 750, 762)

4. *Providers of hosting services and 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.* (The Left 765)

(47) The misuse of services of online platforms by ***repeatedly providing illegal content, facilitating the repeated uploading of*** illegal content or by frequently submitting manifestly unfounded notices or complaints under the mechanisms and systems, respectively, established under this Regulation undermines trust and harms the rights and legitimate interests of the parties concerned. Therefore, there is a need to put in place appropriate and proportionate ***and effective safeguards*** against such misuse. Information should be considered to be 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 ***or terminate*** 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 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. (230 The Left, 231 RE)

Compromise 21 on Art 21, recital 48, 48a covers amendments 767- 776, 232 - 236

Article 21

Notification of suspicions of criminal offences

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. (768 The Left)

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. (771 The Left)

2a. Unless instructed otherwise by the informed authority, the provider shall remove or disable the content. It shall store all content and related data for at least six months. (773 RE)

2b. 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. (774 RE)

(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 **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 Council⁴⁴. In such instances, the online platform should inform without delay the competent law enforcement authorities of such suspicion, providing **upon request** 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. (232 RE)

(48 a) 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 remove or disable the content and promptly inform the law enforcement or judicial authorities of the Member State or Member States concerned of its suspicion and provide all available relevant information. (236 RE)

Compromise 22 on Art 22, Art.22a, Art. 22b, Article 22c, Article 22d, Article 22e, Article 22f recital 49, 50 covers amendments 62 - 75, 777 - 812, 237 - 242

Article 22

Traceability of traders **on online marketplaces** (RE 777)

1. **The online marketplace** shall ensure that professional (781 EPP) 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 marketplace** has obtained the following information: (EPP 62, RE 780)

a) the name, address, telephone number and electronic mail address of the trader;

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;

(c) the **payment** account details of the trader; (RE 783)

(d) the name, address, telephone number and electronic mail address of the economic operator, Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council⁵¹ or **[Article XX of the General Product Safety Regulation]**, or any relevant act of Union law; (RE 784)

(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;

(f) a self-certification by the trader committing to only offer products or services **or content including advertisement, that complies** with the applicable rules of Union law. (EPP 64)

2. The online **marketplace**, upon receiving that information, make reasonable efforts to assess whether **that** information is reliable through requests to the trader to provide supporting documents from reliable sources. (785 RE, EPP 787, 65, The Left 788)

3. Where the online **marketplace** obtains indications that **information under paragraph 1 letter (f) is inaccurate it shall remove the product or service directly from their online platform and if any other** any item of information referred to in paragraph 1 obtained from the trader concerned is inaccurate or incomplete, that **online marketplace** 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. (EPP 66, EPP 789, RE 791)

Where the trader fails to correct or complete that information, the **providers of online marketplaces** shall suspend the provision of its service to the trader **in relations to the offering of products or services to consumers located in the Union** until the request is **fully** complied with. (RE 792, 793)

3a. The providers of online marketplaces shall ensure that traders are given the ability to discuss any information viewed as inaccurate or incomplete directly with a trader before any suspension of services. This may take the form of the internal complaint-handling system under Article 17. (RE 795)

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

3b. If an online marketplaces rejects an application for services or suspends services to a trader, the trader shall have recourse to the systems under Article 17 and Article 43 of this Regulation. (796 RE)

3c. Traders shall be solely liable for the accuracy the information provided and shall inform without delay the online marketplace of any changes to the information provided. (RE 797)

4. The online *marketplace* 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.*** (EPP 67)

5. Without prejudice to paragraph 2, the *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. (EPP 68, RE 802, EPP 803)

6. The online *marketplaces* 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. (EPP 69, EPP 806, RE 805)

7. The online *marketplace* 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. (EPP 70, EPP 809)

Article 22a (EPP 71, RE 810)

Obligation to provide information

1. The online interface made available to the trader shall allow access to at least the following information:

(a) the information referred to in Article 22(6);

(b) the information requirements provided for in Articles 6 and 8 of Directive 2011/83/EU;

(c) the information allowing for the unequivocal identification of the product or the service, and, where applicable, the CE marking and the warnings, information and labels, which are mandatory under applicable legislation on product safety and product compliance.

The Commission shall adopt an implementing act listing the items of information required in accordance with the first subparagraph. That implementing act shall be adopted no later than ... [one year after entry into force of this Regulation].

2. The online marketplace shall check that the information provided by the trader is complete with regard to the lists of information items referred to in points (a) and (b) of Article 22(2) before the offer for the product or service is made available online and shall

not authorize the trader to make available such an offer for as long as the information remains incomplete.

3. Where the online marketplace establishes that the information provided by the trader for an offer that has already been published online is not relevant anymore and must be completed, it shall suspend the offer without delay or make it inaccessible and ask the trader to complete that information as soon as possible.

Article 22b (EPP 811)

Additional obligations of online marketplaces

1. Where an online marketplace becomes aware of the illegal nature of a product or service offered by a trader on its interface it shall

- (a) immediately remove the illegal product or service from its interface and inform the authorities about that;*
- (b) maintain an internal database of content removed and/or recipients suspended pursuant to Article 20 to be used by internal content moderation systems tackling the identified risks;*
- (c) where the online marketplace has the contact details of the recipients of its services, inform such recipients of the service that have purchased said product or service during the past twelve months about the illegality, the identity of the trader and options for seeking redress;*
- (d) shall 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 six months along with information about the concerned trader and options for seeking redress.*

Article 22c (EPP 72, RE 812)

Obligations relating to illegal offers from traders

1. The online marketplaces shall take adequate measures in order to prevent the dissemination by traders using its services of offers for products or services which do not comply with Union law or law of any Member State on the territory of which those offers are made available.

2. Where the online marketplace obtains indication including the elements listed in points (a) and (b) of Article 14(2), and according to which an item of information referred to in Article 22a(1) is inaccurate, that online marketplace shall request the trader to give evidence of the accuracy of that item of information or to correct it, without delay. Where the trader does not provide evidence that the item of information is accurate or evidence that the correction made is regular, the online marketplace shall suspend the offer for the product or service until the trader has complied with the request.

3. Before the trader's offer is made available on the online marketplace, the online marketplace shall verify, with regard to the information allowing for the unequivocal identification of the product including the information referred to in point (b) of Article 22a(1), if the offer that the trader wishes to propose to consumers located in the Union is mentioned in the list, or the lists, of products or categories of products identified as not compliant, as classified in any freely accessible official online database or online interface

whose reference is established by the Commission by means of an implementing act adopted no later than ... [one year after entry into force of this Regulation], and shall not authorize the trader to provide the offer if that verification determines that the product is so listed.

Article 22d (EPP 73)

Obligations relating to illegal offers from traders with regard to the applicable law on product safety and product compliance

- 1. As soon as a market surveillance authority, a customs authority, owners of the rights or a consumer organisation informs the online marketplace that an offer for a product or service is illegal under applicable law on product safety and product compliance, that online marketplace shall remove the offer or disable access to it. The online marketplace shall inform the trader who has published the illegal offer of the decision taken pursuant to this paragraph in accordance with Articles 15 and 17. When it informs the trader of the decision to remove the offer or disable access to it, and where the illegality of the offer relates to a default of the product or service which may endanger the health or the safety of consumers, the online marketplace shall request the trader to provide all information able to demonstrate that it has taken appropriate corrective action in accordance with Article 16(3) of Regulation (EU) 2019/1020.*
- 2. Where the online marketplace receives no reply from the trader within 48 hours from the date of the request referred to in paragraph 1 of this Article, it shall take the necessary corrective action referred to in points (c), (d) and (g) of Article 16(3) of Regulation (EU) 2019/1020 without undue delay.*
- 3. The online marketplace shall inform without delay the market surveillance authority or the customs authority of the action taken by the trader or on its own for the application of paragraphs 1 and 2. As soon as a market surveillance authority or a customs authority orders the trader to undertake alternative or additional measures and informs the online marketplace accordingly, that online marketplace shall request the trader to provide all information proving that it has given due effect to the order. Where the online marketplace does not receive within 48 hours the information according to which the trader has fully complied with the order, the online marketplace shall implement directly the alternative measures ordered by the market surveillance authority or the customs authority without undue delay.*
- 4. The online marketplace may charge the trader with the costs of the measures it has taken in accordance with this Article, by any appropriate means. It shall notify immediately such measure to the trader and inform him of its right to contest that decision in accordance with Articles 17 and 18 or by legal action. The online marketplace shall not require from traders using its services any advance payments of costs related to the measures it may take in accordance with this Article, nor shall it make access to its services conditional on the acceptance of such payments.*

Article 22e (EPP 74)

Suspension of access of traders to the online marketplace services

1. ***In accordance with Article 20 the online marketplace shall suspend without undue delay the provision of its services to traders that provide, in a repeated manner or continuously, illegal offers for a product or a service. It shall immediately notify its decision to the trader.***

2. ***Where the online marketplace adopts a decision pursuant to paragraph 1 it shall continue to meet its obligations under this Section, in particular regarding consumers who have concluded a contract with the suspended traders.***

3. ***The online marketplace shall inform without delay the competent authority about the decision taken pursuant to paragraph 1.***

Article 22f (EPP 75)

Right to redress

The online marketplace shall be entitled to redress from the trader who benefited from its services in case of a failure by the trader to comply with its obligations towards the online marketplace or towards consumers, unless the online marketplace has already charged the trader for the costs of the measures it had to take as a consequence.

The consumer is entitled to redress from the online marketplace for the failure of the online marketplace to comply with the obligations under this Section.

(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 ***marketplaces*** should ensure that such traders are traceable. The trader should therefore be required to provide certain essential ***and accurate*** information to ***the providers of online marketplace***, including for purposes of promoting messages on ***products*** or offering products. That requirement should also be applicable to traders that promote messages on products or services on behalf of brands, based on underlying agreements. Those online ***marketplaces*** 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. (237 EPP; 238 RE)

(50) To ensure an efficient and adequate application of that obligation, without imposing any disproportionate burdens, the online ***marketplaces*** 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 System⁴⁵, or by requesting the traders concerned to provide trustworthy supporting documents, such as copies of identity documents, certified bank statements, company certificates and trade register certificates. They may also use other sources, available for use at a distance, which offer a similar degree of reliability for the purpose of complying with this obligation. ***Additionally this information provided by the trader should be sufficiently specific and supported, where possible.***

However, the online marketplaces 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 *marketplaces*, 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 *marketplaces* 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 Council⁴⁶, Article 7 of Directive 2005/29/EC of the European Parliament and of the Council⁴⁷ and Article 3 of Directive 98/6/EC of the European Parliament and of the Council. (239, 240 RE, 241 EPP)

Compromise 23 on Article 23, recital 51

covers amendments 813 - 820, 243

Article 23

Transparency reporting obligations for providers of online platforms

1. In addition to the information referred to in Article 13, online platforms shall include in the reports referred to in that Article information on the following:
 - (a) the number of disputes submitted to the *certified* 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; (S&D 813)
 - (b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of illegal content, the submission of unfounded notices and the submission of unfounded complaints; (ID 815)
 - (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.

(ca) the number of advertisements that were removed, labelled or disabled by the online platform and justification of the decisions; (RE 816)
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).
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.
4. The Commission *shall* adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1. (RE 819)
- 4a.** *Where published to the general public, the annual transparency reports referred to in paragraph 1 shall not include information that may prejudice ongoing activities for the prevention, detection, or removal of illegal content or content counter to a hosting provider's terms and conditions. (820RE)*

(51) [Recital (51) : COM text remains unchanged.]

Compromise 24 on Art 24, recital 52
covers amendments 821 - 841, 245 - 247

Article 24

Online advertising transparency *and control* (RE 823)

1. Online platforms that *directly and indirectly* 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: (RE 824)

- (a) that the information displayed *on the interface or parts thereof* is an *online* advertisement (RE 825)
- (b) the natural or legal person on whose behalf the advertisement is displayed;
- (c) *clear*, meaningful *and uniform* information about the parameters used to determine the recipient to whom the advertisement is displayed (RE 828)

2. *The online platform shall design and organise its online interface in such a way that recipients of the service can easily and efficiently exercise their rights under applicable Union law in relation to the processing of their personal data for each specific advertisement displayed to the data subject on the platform.*

3. *Online platforms that display advertising on their online interfaces shall ensure that advertisers:*

- (a) can request and obtain information on where their advertisements have been placed;*
- (b) can request and obtain information on which broker treated their data;*
- (c) can indicate on which specific location their ads cannot be placed. In case of non-compliance with this provision, advertisers shall have the right to judicial redress. (836 RE)*

4. *Advertisements that are targeted toward individuals or segments of individuals who are below the age of 18 on the basis of their personal data, behaviour, the tracking of their activities or profiling within the meaning of Article 4(4) of Regulation (EU) 2016/679 shall not be permitted. (RE 838)*

(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 when and on whose behalf the advertisement is displayed. In addition, recipients of the service should have *an easy access to* information on the main

parameters used for determining that specific advertising is to be displayed to them, providing meaningful explanations of the logic used to that end, including when this is based on profiling. The requirements of this Regulation on the provision of information relating to advertisement is without prejudice to the application of the relevant provisions of Regulation (EU) 2016/679, in particular those regarding the right to object, automated individual decision-making, including profiling and specifically the need to obtain consent of the data subject prior to the processing of personal data for targeted advertising. Similarly, it is without prejudice to the provisions laid down in Directive 2002/58/EC in particular those regarding the storage of information in terminal equipment and the access to information stored therein.

Batch IV

Compromise 25 on title section 4, Article 25, recitals 53, 54, 55
covers amendments 76,77, 842 - 853, 248 - 252

Chapter III, Section 4 - title

Additional obligations for very large online platforms, *live streaming platforms, instant messaging services used for purposes other than private or non-commercial and search engines* to manage systemic risks (76 EPP, 842 RE)

Article 25

Very large online platforms, *live streaming platforms, instant messaging services used for purposes other than private or non-commercial and search engines* (EPP 76, 843)

1. This Section shall apply to online *platform services, live streaming platform services, instant messaging services used for purposes other than private or non-commercial and search engine services* which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3. (EPP 77, RE 844)
2. The Commission shall adopt delegated acts in accordance with Article 69 to adjust the number of average monthly recipients of the service in the Union referred to in paragraph 1, where the Union's population increases or decreases at least with 5 % in relation to its population in 2020 or, after adjustment by means of a delegated act, of its population in the year in which the latest delegated act was adopted. In that case, it shall adjust the number so that it corresponds to 10% of the Union's population in the year in which it adopts the delegated act, rounded up or down to allow the number to be expressed in millions.
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 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.
4. The Digital Services Coordinator of establishment shall verify, at least every six months, whether the number of average monthly active recipients of the service in the Union of online platforms under their jurisdiction is equal to or higher than the number referred to in paragraph 1. On the basis of that verification, it shall adopt a decision designating the online platform as a very large online platform for the purposes of this Regulation, or terminating

that designation, and communicate that decision, without undue delay, to the online platform concerned, the Commission.

(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 and *financial* 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, *including regarding misleading information or any other types of illegal content* (248 RE) there being no alternative and less restrictive measures that would effectively achieve the same result.

(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 *may (253 ECR)* have a disproportionately negative impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to 10% of the Union population. The operational threshold should be kept up to date through amendments 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.

(55) [text of the COM remains unchanged (no amendments)]

Compromise 26 on Art 26, recitals 56, 57

Covers amendments 78, 853 - 878, 255

Article 26

Risk assessment

1. Very large online *platform services, live streaming platform services, instant messaging services used for purposes other than private or non-commercial and search engine services* shall identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), *on an ongoing basis and* at least once a year thereafter, *the probability and severity of* any significant systemic risks *including the probability and severity, stemming from the functioning and use made of their services and activities*, in the Union. This risk assessment shall be specific to their services and shall include the following systemic risks: (EPP 78, RE 854, RE 856, S&D 855)

(a) the dissemination *and amplification* of illegal through their services, *including unsafe and non-compliant products and services, in case of online marketplaces*; (RE 859, RE 860, ID 861)

(b) any negative effects for the exercise of *any of the fundamental rights listed in the Charter, in particular on* the fundamental rights to respect for private and family life, *human dignity*, freedom of expression and information, *freedom and pluralism of the media*, the prohibition of discrimination and the rights of the child, as enshrined in Articles 7, 11, 21 and 24 of the Charter respectively *caused by an illegal activity*; (RE 864, EPP 865, S&D 866, ECR 867, Left 868)

(c) intentional manipulation of their service by means of inauthentic use, *such as ‘deep fakes’* or automated exploitation of the service, with an actual or foreseeable negative *or illegal* effect on the protection of public health, minors, *democratic values, media freedom and freedom of expression of journalists, as well as their ability to verify facts*, civic discourse, or actual or foreseeable effects related to electoral processes and public security. (RE 869, EPP 870)

2. When conducting risk assessments, very large online platforms shall *also* 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 (EPP 873, ID 875)

2a. *The outcome of the risk assessment and supporting documents shall be communicated to the Board of Digital Service Coordinators and the Digital Services Coordinator of establishment.* (Greens 878)

(56) [Recital 56: text of the COM remains unchanged]

(57) Three categories of systemic risks should be assessed in-depth. A first category concerns the risks associated with the misuse of their service through the dissemination of illegal content, such as the dissemination of child sexual abuse material or illegal hate speech, and the conduct of illegal activities, such as the sale of products or services prohibited by Union or national law, including *dangerous and counterfeit products or the display of copyright-infringing content*. 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 the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition *or the misuse of the platforms' terms and conditions, including content moderation policies, when enforced*. A third category of risks concerns the intentional and, oftentimes, coordinated manipulation of the platform's service, with a foreseeable impact on health, *fundamental rights*, 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. (256, 258 RE, 257 The Left)

Compromise 27 on Article 27, recitals 58, 59, 63
covers amendments 79, 80, 879 - 909, 260 - 269

Article 27

Mitigation of risks

1. Very large online *platform services, live streaming platform services, instant messaging services used for purposes other than private or non-commercial and search engine services* shall put in place reasonable, proportionate and effective measures, *to mitigate the probability and severity of any significant systemic risks, including the probability and severity, stemming from the functioning and use made of their services* identified pursuant to Article 26. Such measures shall include, where applicable: (EPP 79, RE 881, RE 882)

(a) adapting content moderation or recommender systems, their decision-making processes, *design*, the features or functioning of their services, or their terms and conditions; (RE 885)

(b) targeted measures aimed at limiting the display of advertisements in association with the service they provide;

(c) reinforcing the internal processes or supervision of any of their activities in particular as regards detection of systemic risk;

(d) initiating or adjusting cooperation with trusted flaggers in accordance with *Article 14a*;

(da) in case of very large online marketplaces taking into account the information on repeat infringers as referred to in Article 20 paragraph 1a, when starting a contractual relationship with a trader; (EPP 893)

1a. Very large online platforms shall take adequate measures to detect inauthentic videos ('deep fakes'). When detecting such videos, they should label them as inauthentic in a way that is clearly visible for the internet user. (RE 962)

1b. Where a very large online platform decides not to put in place any of the mitigating measures listed in article 27(1), it shall provide a written explanation that describes the reasons why those measures were not put in place, to the Board in view of issuing specific recommendations and to independent auditors for the purposes of the audit report.

Following the written explanation of the reasons of the very large online platforms not to put in place mitigating measures, and where necessary, the Board shall issue specific recommendations as to the mitigation measures that very large online platforms shall implement instead of those listed in article 27(1). Very large online platforms shall within one month from receiving of these recommendations, implement the recommended measures.

In case of repeated failure of a very large online platform to take effective mitigating measures and in case of repeated non-compliance with the recommendations, the Board may advise the Commission and the Digital Services Coordinators to impose sanctions following Chapter IV. (RE 897, 898, 899)

2. The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year, which shall include the following:

(a) identification and assessment of *all* 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; (S&D 902, RE 903)

(b) best practices for very large online platforms to mitigate the systemic risks identified.

3. The Commission, in cooperation with the Digital Services Coordinators, **and following public consultations shall** 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. (RE 908)

(58) Very large online platforms should deploy the necessary **and proportionate** 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 moderation, algorithmic recommender systems and online interfaces, so that they discourage and limit the dissemination of illegal content, **prevent the intentional manipulation and exploitation of the service, including by the amplification of illegal content**, adapting their decision-making processes, or adapting their terms and conditions, **as well as making content moderation policies and the way they are enforced fully transparent for the users**. They may also include corrective measures, such as discontinuing advertising revenue for specific content, or other actions, such as improving the visibility of authoritative information sources. Very large online platforms may reinforce their internal processes or supervision of any of their activities, in particular as regards the detection of systemic risks. They may also initiate or increase cooperation with trusted flaggers, organise training sessions and exchanges with trusted flagger organisations, and cooperate with other service providers, including by initiating or joining existing codes of conduct or other self-regulatory measures. Any measures adopted should respect the due diligence requirements of this Regulation and be effective and appropriate for mitigating the 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. (8 260, 261 RE, 265 EPP)

(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 **relevant public actors**. (269 ID)

(63) Advertising systems used by very large online platforms **could** pose particular risks and require further public and regulatory supervision. Very large online platforms should ensure public access to repositories of advertisements displayed on their online interfaces to facilitate supervision and research into emerging risks brought about by the distribution of advertising online, for example in relation to illegal advertisements or manipulative techniques and disinformation with a real and foreseeable negative impact on public health, public security, civil discourse, political participation and equality. Repositories should include the content of advertisements and related data on the advertiser and the delivery of the advertisement. **In addition, very large online platforms should label any known deep fake videos, audio or other files**. (279 EPP, 280 RE)

Compromise 28 on Article 28, recitals 60, 61
covers amendments 911 - 925, 270 - 272

Article 28

Independent audit

1. Very large online platforms shall be subject, at their own expense and at least once a year, to **independent** audits to assess compliance with the following: (RE 911)
 - (a) the obligations set out in Chapter III, ***in particular the quality of the identification, analysis and assessment of the risks referred to in Article 26, and the necessity, proportionality and effectiveness of the risk mitigation measures referred to in Article 27;*** (RE 915, RE 914)
 - (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.
 2. Audits performed pursuant to paragraph 1 shall be performed by organisations which
 - (a) are independent from the very large online platform concerned;
 - (b) have proven expertise in the area of risk management, technical competence and capabilities;
 - (c) have proven objectivity and professional ethics, based in particular on adherence to codes of practice or appropriate standards.
 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:
 - (a) the name, address and the point of contact of the very large online platform subject to the audit and the period covered;
 - (b) the name and address of the organisation performing the audit;
 - (c) a description of the specific elements audited, and the methodology applied;
 - (d) a description of the main findings drawn from the audit;
 - (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;
 - (f) where the audit opinion is not positive, operational recommendations on specific measures to achieve compliance.
 4. Very large online platforms receiving an audit report that is not positive shall take due account of any operational recommendations addressed to them with a view to take the necessary measures to implement them. They shall, within one month from receiving those recommendations, adopt an audit implementation report setting out those measures. Where they do not 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.
- (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 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. Auditors should also be able to make use of other sources of objective information, including studies by *researchers vetted by competent authorities*. 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. (270 The Left)

(61) The audit report should be *independent and* 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 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. (271 The Left)

Compromise 29 on Article 29, recital 62

covers amendments 821, 841, 926 - 944, 273 - 278

Article 29

Recommender systems

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.

1a. The main parameters referred to in paragraph 1 of this Article shall include at least the following elements:

- (a) the main recommendation criteria;*
- (b) how these criteria are prioritised;*
- (c) the optimisation goal of the relevant recommender system; and*
- (d) the role of recipient behaviour in determining recommender system outputs if applicable (S&D 934, ECR 933)*

~~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. (926 EPP; 938 EPP)~~

2. The parameters used in recommender systems shall always be fair and non-discriminatory. (EPP 935, ECR 937)

3. Online platforms shall ensure that their online interface is designed in such a way that it does not risk misleading or manipulating the recipients of the service. (944 RE)

(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 *an* 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, 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. (277 EPP)

Compromise 30 on Art 30, recital 63

covers amendments 81, 945 - 963, 279 - 281

Article 30

Additional online advertising transparency *and protection* (RE 945)

1. Very large online platforms that display advertising on their online interfaces shall compile and make available *to relevant authorities and vetted researchers, meeting the requirements of Article 31(4)*, through application programming interfaces *an easily accessible and searchable* a repository containing the information referred to in paragraph 2, until *six months* 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. (EPP 946, RE 947, S&D 948)

2. The repository shall include at least all of the following information:

- (a) the content of the advertisement;
- (b) the natural or legal person on whose behalf the advertisement is displayed *or financed* (951 S&D, 952 RE);
- (c) the period during which the advertisement was displayed;

(d) deleted

(e) deleted

2a. *Very large online platforms selling advertising for display on their online interface shall ensure via standard contractual clauses with the purchasers of advertising space that the content with which the advertisement is associated is compliant with the terms and conditions of the platform, or with the law of the Member States where the recipients of the service to whom the advertisement will be displayed is located. (RE 959)*

2b. *Very large online platforms shall be prohibited from profiling or targeting minors with personalised advertising, in compliance with the industry-standards laid down in Article 34 and Regulation (EU) 2016/679 (RE 960)*

2c. *The very large online platform shall design and organise its online interface in such a way that recipients of the service can easily and efficiently exercise their rights under applicable Union law in relation to the processing of their personal data for each specific advertisement displayed to the data subject on the platform, in particular:*

(a) To withdraw consent or to object to processing

(b) To obtain access to the personal data concerning the data subject

(c) To obtain rectification of inaccurate personal data concerning the data subject

(d) To obtain erasure of personal data without undue delay

(e) Where a recipient exercises any of these rights, the online platform must inform any parties whose personal data concerned in points (a)-(d) have been enclosed in accordance with Article 19 of Regulation (EU) 2016/679. (957 RE)

(63) [Recital 63: COM text remains unchanged]

Compromise 31 on Article 31, recital 64

covers amendments 964 - 989, 282 - 287

Article 31

Data access and scrutiny

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, **and within a maximum of 72 hours**, specified in the request, **provide information and full and continuous** access to data that are necessary to **properly** monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only use that data for those purposes. **With regard to moderation and recommender systems, very large online platforms shall provide upon request the Digital Services Coordinator or the Commission with access to algorithms and associated data that allow the detection of possible biases which could lead to the dissemination of illegal content, or content that is in breach with their terms and conditions, or presents threats to fundamental rights including freedom of expression. Where a bias is detected, very large online platforms should expeditiously correct it following the recommendations of the Digital Services Coordinator or the Commission. Very large online platforms should be able to demonstrate their compliance at every step of the process pursuant to this Article. (RE 964, Left 965, EPP 966)**

2. Upon a reasoned request from the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide **information and** access to **relevant** 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 **and mitigation** of systemic risks as set out in Article 26 **and** 27. (EPP 969, RE 968)

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 **for a limited time and** through online databases or application programming interfaces, as appropriate **in an easily accessible and user-friendly format. This shall include personal data only where it is lawfully accessible by the public and without prejudice to Regulation (EU) 2016/679. (S&D 972, EPP 973)**

4. In order to be vetted, **scientific** researchers shall be affiliated with academic institutions, be independent from commercial interests **of the very large online platform it seeks data from or its competitors, disclose the sources of funding financing their research,** 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. (RE 976, 975 S&D)

5. The Commission shall, after consulting the Board, **and no later than one year after entry into force of this Regulation,** 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. (977 S&D)

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 **for the following (a) in case of request under paragraph 1, a very large online platform does not have and cannot obtain with reasonable effort** access to the data;

(b) in case of request under paragraph 2, a very large online platform does not have access to the data or providing 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. (RE 979)

7. *[deleted]*

7a. Upon completion of the research envisaged in Article 31(2), the vetted researchers shall make their research publicly available, taking into account the rights and interests of the recipients of the service concerned in compliance with Regulation (EU) 2019/679. (RE 988)

7b. Digital Service Coordinators and the Commission shall, once a year, report the following information:

- (a) *the number of requests made to them as referred to in paragraphs 1 and 2;*
- (b) *the number of such requests that have been declined by the Digital Service Coordinator or the Commission and the reasons for which they have been declined;*
- (c) *the number of such requests that have been declined by the Digital Service Coordinator or the Commission, including the reasons for which they have been declined, 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 and 2. (RE 989)*

(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, *such as the dissemination of illegal content or amplification of illegal content* 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 platforms, Digital Services Coordinators, other competent authorities, the Commission and the public. This Regulation therefore provides a framework for *providing information or compelling access to data from very large online platforms to vetted researchers, which meet the conditions set out in this regulation, where relevant to a research project. All requests for providing information or* 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. (282 EPP, 283, 284 RE)

Compromise 32 on Article 32, recital 65, 65a
covers amendments 990 - 996, 1006, 1007, 288 - 290

Article 32

Compliance officers

1. Very large online platforms shall appoint one or more compliance officers responsible for monitoring their compliance with this Regulation.
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.
3. Compliance officers shall have the following tasks:
 - (a) cooperating with the Digital Services Coordinator of establishment and the Commission for the purpose of this Regulation;
 - (b) organising and supervising the very large online platform's activities relating to the independent audit pursuant to Article 28;

- (c) informing and advising the management and employees of the very large online platform about relevant obligations under this Regulation;
 - (d) monitoring the very large online platform's compliance with its obligations under this Regulation.
4. Very large online platforms shall take the necessary measures to ensure that the compliance officers can perform their tasks in an independent manner.
 5. Very large online platforms shall communicate the name and contact details of the compliance officer.
 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.

(65) [recital 65 : COM text remains unchanged].

(65 a) Minimum interoperability requirements for very large online platforms could create new opportunities for the development of innovative services, limit lock-in effect of existing platforms due to network effects and could therefore improve competition and users choice. In order to facilitate free choice of recipients between different services, interoperability for industry-standard features of very large online platforms should be considered. Such interoperability could empower recipients to choose a service based on its functionality and features. (289, Greens, 290 S&D)

Compromise 33 on Article 33
covers amendments 997 - 1005

Article 33

Transparency reporting obligations for very large online platforms

1. Very large online platforms shall publish the reports referred to in Article 13 within six months from the date of application referred to in Article 25(4), and thereafter every six months.
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):
 - (a) a report setting out the results of the risk assessment pursuant to Article 26;
 - (b) the related risk mitigation measures identified and implemented pursuant to Article 27;
 - (c) the audit report provided for in Article 28(3);
 - (d) the audit implementation report provided for in Article 28(4).

2a. *The reports shall include content moderation and shall be published in the official languages of the Member States of the Union. (RE 1003)*

3. Where a very large online platform considers that the publication of information pursuant to paragraph 2 may result in the disclosure of confidential information of that platform or of the recipients of the service, may cause significant vulnerabilities for the security of its service, may undermine public security or may harm recipients, the platform may remove such information from the reports. In that case, that platform shall transmit the complete reports to the Digital Services Coordinator of establishment and the Commission, accompanied by a statement of the reasons for removing the information from the public reports.

Compromise 34, on Article 34, recital 66

covers amendments 1008 - 1011, 291 - 292

Article 34

Standards

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:
 - (a) electronic submission of notices under Article 14;
 - (b) electronic submission of notices by trusted flaggers under Article 19, including through application programming interfaces;
 - (c) specific interfaces, including application programming interfaces, to facilitate compliance with the obligations set out in Articles 30 and 31;
 - (d) auditing of very large online platforms pursuant to Article 28;
 - (e) interoperability of the advertisement repositories referred to in Article 30(2);
 - (f) (1009 EPP)
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.

2a. *Absence of agreement on voluntary industry standards shall not prevent the applicability or implementation of any measures outlined in this regulation. (S&D 1011)*

(66) [recital 66 : text of COM remains unchanged.]

Compromise 35 on Article 35, recitals 67, 68, 69

covers amendments 1012 - 1029, 294 - 303

Article 35

Codes of conduct

1. The Commission and the Board shall ***have the right to request*** 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 *as defined in Union and national law* and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data. (RE 1013, ECR 1014)

2. Where significant systemic risk within the meaning of Article 26(1) *in relation to the dissemination of illegal content* 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 *relevant stakeholders*, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes. (EPP 1016, ECR1018, EPP 1019, RE 1021)

3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall ensure that the codes of conduct clearly set out their objectives *in relation to the dissemination of illegal content*, contain *a set of harmonised* key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all *relevant stakeholders*, including citizens, at Union level. The Commission and the Board shall also ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of any measures taken and their outcomes, as measured against the key performance indicators that they contain *in order to facilitate effective cross-platform monitoring (1023 RE, EPP 1024)*

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, *and* publish their conclusions. *Furthermore, they shall ensure that there is common alert mechanism managed at EU level to allow for real-time and coordinated responses. (RE 1026)*

5. The Board shall regularly monitor and evaluate the achievement of the objectives of the codes of conduct, having regard to the key performance indicators that they may contain. *In case of systematic and repetitive failure to comply with the Codes of Conduct, the Board shall as a measure of last resort take a decision to temporary suspend or definitely exclude platforms that do not meet their commitments as a signatory to the Codes of Conduct after prior warning. (RE 1028)*

(67) The Commission and the Board should encourage the drawing-up of codes of conduct to contribute to the application of this Regulation, **as well as the compliance of online platforms with the provisions of these codes**. 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. (295 RE)

(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, **illegal content** or manipulative and abusive activities. This includes coordinated operations aimed at amplifying information, including disinformation, such as the use of bots or fake accounts for the creation of fake or misleading information, sometimes with a purpose of obtaining economic gain, which are particularly harmful for vulnerable recipients of the service, such as children. In relation to such areas, adherence to and compliance with a given code of conduct by a very large online platform may be considered as an appropriate risk mitigating measure. The refusal without proper explanations by an online platform of the Commission's 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. (299 RE)

(69) The rules on codes of conduct under this Regulation could serve as a basis for already established self-regulatory efforts at Union level, including the Product Safety Pledge, the Memorandum of Understanding against counterfeit goods, the Code of Conduct against illegal hate speech. (301 EPP, 302 Greens)

Compromise 36 on Article 36, recital 70
covers amendments 1030 - 1042, 304, 305

Article 36

Codes of conduct for online advertising

1. The Commission shall encourage and facilitate the drawing up of codes of conduct at Union level between, online platforms and other relevant service providers, such as providers of online advertising intermediary services or organisations representing recipients of the service and civil society organisations or relevant authorities to contribute to further transparency in online advertising beyond the requirements of Articles **30 and Article 6 of Directive 2000/31/EC**. (EPP 1032)
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 of conduct address at least ***the transmission of information held by providers of online advertising intermediaries to the repositories pursuant to Article 30***. (EPP 1034)
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. ***The Commission shall evaluate the application of those Codes two years after the application of this Regulation***. (RE 1040)

(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 obligations achieve their objectives. (305 EPP)

Compromise 37 on Article 37, recital 71

covers amendments 82, 1043 - 1048, 306 - 309

Article 37

Crisis protocols

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.
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:
 - (a) displaying prominent information on the crisis situation provided by Member States' authorities or at Union level;
 - (b) ensuring that the point of contact referred to in Article 10 is responsible for crisis management;
 - (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.
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.
- 3a. *Member States may ensure that their Digital Services Coordinators are informed by the relevant national, local and regional authorities on the diversity of platform sectors and issues covered by this Regulation; (ID 1049)***
4. The Commission shall aim to ensure that the crisis protocols set out clearly all of the following:
 - (a) the specific parameters to determine what constitutes the specific extraordinary circumstance the crisis protocol seeks to address and the objectives it pursues;
 - (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;
 - (c) a clear procedure for determining when the crisis protocol is to be activated;
 - (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;

- (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;
 - (f) a process to publicly report on any measures taken, their duration and their outcomes, upon the termination of the crisis situation.
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 **remove and, where necessary**, revise the crisis protocol, including by taking additional measures. (EPP 82)

(71) [recital 71: COM text remains unchanged.]

Batch V

Compromise 38 Article 38 and 39, recitals 73, 74

covers amendments 83, 1049 - 1050, 1051, 310, 311

Article 38

Competent authorities and Digital Services Coordinators

1. Member States shall designate one or more competent authorities as responsible for the application and enforcement of this Regulation ('competent authorities').
2. Member States shall designate one of the competent authorities as their Digital Services Coordinator. The Digital Services Coordinator shall be responsible for all matters relating to application and enforcement of this Regulation in that Member State, unless the Member State concerned has assigned certain specific tasks or sectors to other competent authorities. ***Those competent authorities shall have the necessary powers to carry out the tasks or supervise the sectors assigned to them as those attributed to the Digital Services Coordinator for the application and enforcement of this Regulation.***[83 EPP] The Digital Services Coordinator shall in any event be responsible for ensuring coordination at national level in respect of those matters and for contributing to the effective and consistent application and enforcement of this Regulation throughout the Union.

For that purpose, Digital Services Coordinators shall cooperate with each other, other national competent authorities, the Board and the Commission, without prejudice to the possibility for Member States to provide for regular exchanges of views with other authorities where relevant for the performance of the tasks of those other authorities and of the Digital Services Coordinator. Where a Member State designates more than one competent authority in addition to the Digital Services Coordinator, it shall ensure that the respective tasks of those authorities and of the Digital Services Coordinator are clearly defined and that they cooperate closely and effectively when performing their tasks. The Member State concerned shall communicate the

name of the other competent authorities as well as their respective tasks to the Commission and the Board.

3. Member States shall designate the Digital Services Coordinators within two months from the date of entry into force of this Regulation.

Member States shall make publicly available, and communicate to the Commission and the Board, the name of their competent authority designated as Digital Services Coordinator and information on how it can be contacted.

4. The requirements applicable to Digital Services Coordinators set out in Articles 39, 40 and 41 shall also apply to any other competent authorities that the Member States designate pursuant to paragraph 1. ***4a. Member States shall ensure that the competent authorities have adequate financial and human resources, as well as legal and technical expertise to fulfil their tasks under this Regulation. [AM 1050 RE]***

(73) [recital 73: COM text remains unchanged.]

Article 39
Requirements for Digital Services Coordinators

1. Member States shall ensure that their Digital Services Coordinators perform their tasks under this Regulation in an impartial, transparent and timely manner. Member States shall ensure that their Digital Services Coordinators have adequate technical, financial and human resources to carry out their tasks.
2. When carrying out their tasks and exercising their powers in accordance with this Regulation, the Digital Services Coordinators shall act with complete independence. They shall remain free from any external influence, whether direct or indirect, and shall neither seek nor take instructions from any other public authority or any private party.
3. Paragraph 2 is without prejudice to the tasks of Digital Services Coordinators within the system of supervision and enforcement provided for in this Regulation and the cooperation with other competent authorities in accordance with Article 38(2). Paragraph 2 shall not prevent supervision of the authorities concerned in accordance with national constitutional law ***or the allocation of additional powers under other applicable law.[AM 1051 S&D]***

(74) [recital 74: COM text remains unchanged.]

Compromise 39 on article 40, recital 76

Covers amendments 84 - 86, 1052 - 1057, 312 - 315

Article 40
Jurisdiction

1. The Member State in which the main establishment of the provider of intermediary services is located shall have jurisdiction for the purposes of Chapters III, of this Regulation **and final jurisdiction as to disputes on orders issued under Article 8 and 9.** [AM 1053 RE, 86 EPP)
 - 1a. By way of derogation from paragraph 1, the Member State in which the end user have their residence shall have jurisdiction for the purposes of Articles 22, 22a and 22b of this Regulation and the Member State in which the authority issuing the order is situated shall have jurisdiction for the purposes of Articles 8 and 9 of this Regulation.**[AM 1054 RE]
 - 1b. The Member State where the consumers have their habitual residence shall have jurisdiction for the purposes of Chapter III, Section 3. (85 EPP)**
2. A provider of intermediary services which does not have an establishment in the Union but which offers services in the Union shall, for the purposes of Chapters III and IV, be deemed to be under the jurisdiction of the Member State where its legal representative resides or is established.
3. Where a provider of intermediary services fails to appoint a legal representative in accordance with Article 11, all Member States shall have jurisdiction for the purposes of Chapters III and IV. Where a Member State decides to exercise jurisdiction under this paragraph, it shall inform all other Member States and ensure that the principle of *ne bis in idem* is respected.
4. Paragraphs 1, 2 and 3 are without prejudice to **Article 43(2), [RE 1056]** the second subparagraph of Article 50(4) and the second subparagraph of Article 51(2) and the tasks and powers of the Commission under Section 3.

(76) In the absence of a general requirement for providers of intermediary services to ensure a physical presence within the territory of one of the Member States, there is a need to ensure clarity under which Member State's jurisdiction those providers fall for the purposes of enforcing the rules laid down in Chapters III and IV **and Article 8 and 9** by the national competent authorities. A provider should be under the jurisdiction of the Member State where its main establishment is located, that is, where the provider has its head office or registered office within which the principal financial functions and operational control are exercised. In respect of providers that do not have an establishment in the Union but that offer services in the Union and therefore fall within the scope of this Regulation, the Member State where those providers appointed their legal representative should have jurisdiction, considering the function of legal representatives under this Regulation. In the interest of the effective application of this Regulation, all Member States should, however, have jurisdiction in respect of providers that failed to designate a legal representative, provided that the principle of *ne bis in idem* is respected. To that aim, each Member State that exercises jurisdiction in respect of such providers should, without undue delay, inform all other Member States of the measures they have taken in the exercise of that jurisdiction. (314 RE)

Compromise 40 on Art 41, recitals 77, 78

Covers amendments 1058 - 1059, 316 - 317

Article 41

Powers of Digital Services Coordinators

1. Where needed for carrying out their tasks, Digital Services Coordinators shall have at least the following powers of investigation, in respect of conduct by providers of intermediary services under the jurisdiction of their Member State:
 - (a) the power to require those providers, as well as any other persons acting for purposes related to their trade, business, craft or profession that may reasonably be aware of information relating to a suspected infringement of this Regulation, including, organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period;
 - (b) the power to carry out on-site inspections of any premises that those providers or those persons use for purposes related to their trade, business, craft or profession, or to request other public authorities to do so, in order to examine, seize, take or obtain copies of information relating to a suspected infringement in any form, irrespective of the storage medium;
 - (c) the power to ask any member of staff or representative of those providers or those persons to give explanations in respect of any information relating to a suspected infringement and to record the answers.
2. Where needed for carrying out their tasks, Digital Services Coordinators shall have at least the following enforcement powers, in respect of providers of intermediary services under the jurisdiction of their Member State:
 - (a) the power to accept the commitments offered by those providers in relation to their compliance with this Regulation and to make those commitments binding;
 - (b) the power to order the cessation of infringements and, where appropriate, to impose remedies proportionate to the infringement and necessary to bring the infringement effectively to an end;
 - (c) the power to impose fines in accordance with Article 42 for failure to comply with this Regulation, including with any of the orders issued pursuant to paragraph 1;
 - (d) the power to impose a periodic penalty payment in accordance with Article 42 to ensure that an infringement is terminated in compliance with an order issued pursuant to point (b) of this paragraph or for failure to comply with any of the orders issued pursuant to paragraph 1;
 - (e) the power to adopt *proportionate* [AM 1058 EPP] interim measures to avoid the risk of serious harm.

As regards points (c) and (d) of the first subparagraph, Digital Services Coordinators shall also have the enforcement powers set out in those points

in respect of the other persons referred to in paragraph 1 for failure to comply with any of the orders issued to them pursuant to that paragraph. They shall only exercise those enforcement powers after having provided those other persons in good time with all relevant information relating to such orders, including the applicable time period, the fines or periodic payments that may be imposed for failure to comply and redress possibilities.

3. Where needed for carrying out their tasks, Digital Services Coordinators shall also have, in respect of providers of intermediary services under the jurisdiction of their Member State, where all other powers pursuant to this Article to bring about the cessation of an infringement have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the power to take the following measures:
 - (a) require the management body of the providers, within a reasonable time period, to examine the situation, adopt and submit an action plan setting out the necessary measures to terminate the infringement, ensure that the provider takes those measures, and report on the measures taken;
 - (b) where the Digital Services Coordinator considers that the provider has not sufficiently complied with the requirements of the first indent, that the infringement persists and causes serious harm, and that the infringement entails a serious criminal offence involving a threat to the life or safety of persons, request the competent judicial authority of that Member State to order the temporary restriction of access of recipients of the service concerned by the infringement or, only where that is not technically feasible, to the online interface of the provider of intermediary services on which the infringement takes place.

The Digital Services Coordinator shall, except where it acts upon the Commission's request referred to in Article 65, prior to submitting the request referred to in point (b) of the first subparagraph, invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures that it intends to request and identifying the intended addressee or addressees thereof. The provider, the intended addressee or addressees and any other third party demonstrating a legitimate interest shall be entitled to participate in the proceedings before the competent judicial authority. Any measure ordered shall be proportionate to the nature, gravity, recurrence and duration of the infringement, without unduly restricting access to lawful information by recipients of the service concerned.

The restriction shall be for a period of four weeks, subject to the possibility for the competent judicial authority, in its order, to allow the Digital Services Coordinator to extend that period for further periods of the same lengths, subject to a maximum number of extensions set by that judicial authority. The Digital Services Coordinator shall only extend the period where it considers, having regard to the rights and interests of all parties affected by the restriction and all relevant circumstances, including any information that the provider, the addressee or addressees and any other third party that

demonstrated a legitimate interest may provide to it, that both of the following conditions have been met:

- (a) the provider has failed to take the necessary measures to terminate the infringement;
- (b) the temporary restriction does not unduly restrict access to lawful information by recipients of the service, having regard to the number of recipients affected and whether any adequate and readily accessible alternatives exist.

Where the Digital Services Coordinator considers that those two conditions have been met but it cannot further extend the period pursuant to the third subparagraph, it shall submit a new request to the competent judicial authority, as referred to in point (b) of the first subparagraph.

3a. *Following request to the Commission and in cases of infringements that persist, could cause serious harm to recipients of the service, or could seriously affect their fundamental rights, the Digital Services Coordinator in the Member State where the end user have their residence may be entitled to additional powers in the framework of joint investigations as referred to in Article 46. [AM 1059 RE]*

4. The powers listed in paragraphs 1, 2 and 3 are without prejudice to Section 3.
5. The measures taken by the Digital Services Coordinators in the exercise of their powers listed in paragraphs 1, 2 and 3 shall be effective, dissuasive and proportionate, having regard, in particular, to the nature, gravity, recurrence and duration of the infringement or suspected infringement to which those measures relate, as well as the economic, technical and operational capacity of the provider of the intermediary services concerned where relevant.
6. Member States shall ensure that any exercise of the powers pursuant to paragraphs 1, 2 and 3 is subject to adequate safeguards laid down in the applicable national law in conformity with the Charter and with the general principles of Union law. In particular, those measures shall only be taken in accordance with the right to respect for private life and the rights of defence, including the rights to be heard and of access to the file, and subject to the right to an effective judicial remedy of all affected parties.

(77) Member States should provide the Digital Services Coordinator, and any other competent authority designated under this Regulation, with sufficient powers and means to ensure effective investigation and enforcement. Digital Services Coordinators should in particular be able to search for and obtain information which is located in its territory, including in the context of joint investigations, with due regard to the fact that oversight and enforcement measures concerning a provider under the jurisdiction of another Member State should be adopted by the Digital Services Coordinator of that other Member State, where relevant in accordance with the procedures relating to cross-border cooperation. ***Member States should also consider specialised training, in cooperation with Union bodies, offices and agencies, for relevant national authorities, in particular administrative authorities, who are responsible for issuing orders to act against illegal content and provide information. (316 RE)***

(78) Member States should set out in their national law, in accordance with Union law and in particular this Regulation and the Charter, the detailed conditions and limits for the exercise of the investigatory and enforcement powers of their Digital Services Coordinators, and other competent authorities where relevant, under this Regulation. In order to ensure coherence between the Member States, the Commission should adopt guidance on the procedures and rules related to the powers of Digital Services Coordinators. (317 RE)

Compromise 41 on Art 42

Covers amendments 87, 1060 - 1063

Article 42

Penalties

1. Member States shall lay down the rules on penalties, ***including administrative fines, [AM 1060 EPP]*** applicable to infringements of this Regulation by providers of intermediary services under their jurisdiction and shall take all the necessary measures to ensure that they are ***properly and effectively [AM 1060 EPP]*** implemented in accordance with Article 41.
2. Penalties shall be effective, proportionate and dissuasive. ***They shall take into particular account the interest of small scale providers and start ups and their economic viability.*** [AM 1061 EPP] Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them.
3. Member States shall ensure that the maximum amount of penalties imposed for a failure to comply with the obligations laid down in this Regulation shall not exceed 6 % of the annual income or turnover of the provider of intermediary services concerned. Penalties for the supply of incorrect, incomplete or misleading information, failure to reply or rectify incorrect, incomplete or misleading information and to submit to an on-site inspection shall not exceed 1% of the annual income or turnover of the provider concerned.
4. Member States shall ensure that the maximum amount of a periodic penalty payment shall not exceed 5 % of the average daily turnover of the provider of intermediary services concerned in the preceding financial year per day, calculated from the date specified in the decision concerned.

Compromise 42 on Article 43, 43a, recital 81

covers amendments 1064 - 1074, 318

Article 43

Right to lodge a complaint

1. Recipients of the service shall have the right to lodge a complaint against providers of intermediary services alleging an infringement of this Regulation with the Digital Services Coordinator of the Member State where the recipient resides or is established. The Digital Services Coordinator shall assess the complaint and, where appropriate, transmit it to the Digital Services Coordinator of establishment.. Where

the complaint falls under the responsibility of another competent authority in its Member State, the Digital Service Coordinator receiving the complaint shall transmit it to that authority **and shall inform the person who submitted the complaint (1067 The Left).**

1a. The Digital Services Coordinator of establishment, in cases concerning a complaint transmitted by the Digital Services Coordinator of the Member State where the recipient resides or is established as provided for in paragraph 1, shall assess the matter in a timely manner and shall inform the Digital Services Coordinator of the Member State where the recipient resides or is established, on how the complaint has been handled. [AM 1070 ECR]

(81) [recital 81: COM text remains unchanged].

Article 43a

Rights to effective judicial remedies

- 1. Without prejudice to any other administrative or non-judicial remedy, any recipient of the service or its representative organisation shall have the right to an effective judicial remedy against a legally binding decision of a Digital Services Coordinator concerning them.***
- 2. In determining whether the very large online platform has complied with its obligations under Article 27(1), and in light of the principle of proportionality, the availability of suitable and effective measures shall be taken into account.***
- 3. Without prejudice to any other administrative or non-judicial remedy, any recipients of the service or its representative organisation shall have the right to an effective judicial remedy where the Digital Service Coordinator which is competent pursuant to Articles 40 and 43 does not handle a complaint or does not inform the recipient of the service within three months on the progress or outcome of the complaint lodged pursuant to Article 43. Proceedings against a Digital Services Coordinator under this paragraph shall be brought before the courts of the Member State where the Digital Services Coordinator is established.***

[RE 1074, AM 1064 Greens, AM 1065 The Left AM 1073 Greens]

Compromise 43 on Article 44

covers amendments 88, 1075 - 1079

Article 44

Activity reports

- 1. Digital Services Coordinators shall draw up an annual report on their activities under this Regulation. They shall make the annual reports available to the public, and shall communicate them to the Commission, *to the European Parliament* and to the Board. [AM 88 EPP, 1075 The Left]**
 - 1a. Based on the annual report communicated by the Digital Services Coordinators, the Commission shall submit to the European Parliament***

and to the Council a dedicated biennial report analysing the aggregated data on orders referred to in Articles 8, 8a and 9 and issued by the Digital Services Coordinators, with a special attention being paid to potential abusive use of these Articles. The report shall provide a comprehensive overview of the orders to act against illegal content and it shall provide, for a specific period of time, the possibility to assess the activities of Digital Services Coordinators. (1078 ECR)

2. The annual report shall include at least the following information:
 - (a) the number and subject matter of orders to act against illegal content and orders to provide information, *including at least information on the name of the issuing authority, the name of the provider and the type of action specified in the order, [1076 ECR]* issued in accordance with Articles 8 and 9 by any national judicial or administrative authority of the Member State of the Digital Services Coordinator concerned;
 - (b) the effects given to those orders, as communicated to the Digital Services Coordinator pursuant to Articles 8 and 9.
3. Where a Member State has designated several competent authorities pursuant to Article 38, it shall ensure that the Digital Services Coordinator draws up a single report covering the activities of all competent authorities and that the Digital Services Coordinator receives all relevant information and support needed to that effect from the other competent authorities concerned.

Compromise 44 on Article 45, recital 85
covers amendments 1080 - 1097, 319 - 320

Article 45

Cross-border cooperation among Digital Services Coordinators

1. Where a Digital Services Coordinator has reasons to suspect that a provider of an intermediary service, not under the jurisdiction of the Member State concerned, infringed this Regulation, it shall request the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

Where the Board has reasons to suspect that a provider of intermediary services infringed this Regulation in a manner involving at least three Member States, it may recommend the Digital Services Coordinator of establishment to assess the matter and take the necessary investigatory and enforcement measures to ensure compliance with this Regulation.

1a. A request or recommendation pursuant to paragraph 1 of this Article shall not preclude the possibility of Digital Services Coordinator of the Member State where the recipient of the service resides or is established, to be able to carry out its own investigation concerning a

suspected infringement of this Regulation by a provider of an intermediary service. [AM 1082 ECR]

2. A request or recommendation pursuant to paragraph 1 shall at least indicate:
 - (a) the point of contact of the provider of the intermediary services concerned as provided for in Article 10;
 - (b) a description of the relevant facts, the provisions of this Regulation concerned and the reasons why the Digital Services Coordinator that sent the request, or the Board, suspects that the provider infringed this Regulation;
 - (c) any other information that the Digital Services Coordinator that sent the request, or the Board, considers relevant, including, where appropriate, information gathered on its own initiative or suggestions for specific investigatory or enforcement measures to be taken, including interim measures.
3. The Digital Services Coordinator of establishment shall take into utmost account the request or recommendation pursuant to paragraph 1 ***and assess the matter in view of taking specific investigatory or enforcement measures to ensure compliance without undue delay.***[RE 1086] Where it considers that it has insufficient information to act upon the request or recommendation and has reasons to consider that the Digital Services Coordinator that sent the request, or the Board, could provide additional information, it may request such information. The time period laid down in paragraph 4 shall be suspended until that additional information is provided.
4. The Digital Services Coordinator of establishment shall, without undue delay and in any event not later than two months following receipt of the request or recommendation, communicate to the Digital Services Coordinator that sent the request, or the Board, its assessment of the suspected infringement, or that of any other competent authority pursuant to national law where relevant, and an explanation of any investigatory or enforcement measures taken or envisaged in relation thereto ***and a statement of reason in case of decision, following its investigation, not to take measures*** [AM 1089 RE, 1088 covered by this addition] to ensure compliance with this Regulation.
5. Where the Digital Services Coordinator that sent the request, or, where appropriate, the Board, did not receive a reply within the time period laid down in paragraph 4 or where it does not agree with the assessment of the Digital Services Coordinator of establishment, it may refer the matter to the Commission, providing all relevant information. That information shall include at least the request or recommendation sent to the Digital Services Coordinator of establishment, any additional information provided pursuant to paragraph 3 and the communication referred to in paragraph 4.
6. The Commission, ***in cooperation with the Digital Services Coordinators, [RE 1093]*** shall assess the matter within three months following the referral of the matter pursuant to paragraph 5, after having consulted the Digital Services Coordinator of establishment and, unless it referred the matter itself, the Board.

7. Where, pursuant to paragraph 6, the Commission *in cooperation with the Digital Services Coordinators (RE 1095)* concludes that the assessment or the investigatory or enforcement measures taken or envisaged pursuant to paragraph 4 are incompatible with this Regulation, it shall request the Digital Service Coordinator of establishment to further assess the matter and take the necessary investigatory or enforcement measures to ensure compliance with this Regulation, and to inform it about those measures taken within two months from that request. ***This information should also be transmitted to the Digital Services Coordinator or the Board that initiated the proceedings pursuant to paragraph 1. [1096 ECR]***

(85) [recital 85: COM text remains unchanged.]

Compromise 45 on Article 46, 47, 48 recital 87 - 92
covers amendments 1098 - 1104, 321 - 328

Article 46

Joint investigations and requests for Commission intervention

1. Digital Services Coordinators may participate in joint investigations, which may be coordinated with the support of the Board, with regard to matters covered by this Regulation, concerning providers of intermediary services operating in several Member States.

Such joint investigations are without prejudice to the tasks and powers of the participating Digital Coordinators and the requirements applicable to the performance of those tasks and exercise of those powers provided in this Regulation. The participating Digital Services Coordinators shall make the results of the joint investigations available to other Digital Services Coordinators, the Commission and the Board through the system provided for in Article 67 for the fulfilment of their respective tasks under this Regulation.
 - 1a. ***Where Digital Services Coordinator of the country of destination considers that an alleged infringement exist and causes serious harm to a large number of recipients of the service in that Member States, or could seriously affect their fundamental rights, it may request to the Commission to set up joint investigations between Digital Services Coordinator of country of establishment and the requesting Digital Services Coordinator of country of destination. (1099 RE)***
 - 1b. ***The Commission, in cooperation with the Digital Services Coordinators, shall assess such request and following positive opinion of the Board shall set up a joint investigation where the Digital Services Coordinator of the country of destination can be entitled to exercise the following additional powers with respect to the provider of intermediary services concerned by the alleged infringement:***
 - (a) ***to obtain access to the confidential version of the reports published by the intermediary service providers referred to in Article 13 and where applicable in Articles 23 and 24, as well as to the annual reports drawn up by the other competent authorities pursuant to Article 44;***
 - (b) ***to obtain access to data collected by the Digital Services Coordinator of the country of establishment for the purpose of supervision of that provider on***

- the territory of the Digital Services Coordinator of the country of destination without prejudice to the GDPR;*
- (c) *to initiate proceedings and assess the matter in view of taking specific investigatory or enforcement measures to ensure compliance, where the suspected seriousness of the infringement would require immediate response that would not allow for the provisions of Article 45 to apply;*
 - (d) *to request interim measures, as referred to in Article 41(2)(e); (1100 RE)*
- 1c. *The Commission decision setting up the joint investigation shall define a deadline by when Digital Services Coordinator of the country of establishment and Digital Services Coordinator launching the request pursuant to paragraph 2 shall agree on a common position on the joint investigation, and where applicable on the enforcement measures to be adopted. If no agreement is reached within this deadline, the case shall be referred to the Commission pursuant to Article 45(5). (1101 RE)*
2. Where a Digital Services Coordinator of establishment has reasons to suspect that a very large online platform infringed this Regulation, it may request the Commission to take the necessary investigatory and enforcement measures to ensure compliance with this Regulation in accordance with Section 3. Such a request shall contain all information listed in Article 45(2) and set out the reasons for requesting the Commission to intervene.

(87) [recital 87: COM text remains unchanged.]

Article 47
European Board for Digital Services

1. An independent advisory group of Digital Services Coordinators on the supervision of providers of intermediary services named ‘European Board for Digital Services’ (the ‘Board’) is established.
2. The Board shall advise the Digital Services Coordinators and the Commission in accordance with this Regulation to achieve the following objectives:
 - (a) Contributing to the consistent application of this Regulation and effective cooperation of the Digital Services Coordinators and the Commission with regard to matters covered by this Regulation;
 - (aa) *contributing to the effective application of Directive 2000/31/EC Article 3 to prevent fragmentation of the digital single market and the obligations of very large platforms of Article 5 of the Platform to Business Regulation 2019/1150 [EPP 1103]*
 - (b) coordinating and contributing to guidance and analysis of the Commission and Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to matters covered by this Regulation;

- (c) assisting the Digital Services Coordinators and the Commission in the supervision of very large online platforms.

(88) [recital 88: COM text remains unchanged]

(89) [recital 89: COM text remains unchanged]

(90) [recital 90: COM text remains unchanged]

Article 48
Structure of the Board

1. The Board shall be composed of the Digital Services Coordinators, who shall be represented by high-level officials. Where provided for by national law, other competent authorities entrusted with specific operational responsibilities for the application and enforcement of this Regulation alongside the Digital Services Coordinator shall participate in the Board. Other national authorities may be invited to the meetings, where the issues discussed are of relevance for them.
2. Each Member State shall have one vote. The Commission shall not have voting rights.
The Board shall adopt its acts by simple majority.
3. The Board shall be chaired by the Commission. The Commission shall convene the meetings and prepare the agenda in accordance the tasks of the Board pursuant to this Regulation and with its rules of procedure.
4. The Commission shall provide administrative and analytical support for the activities of the Board pursuant to this Regulation.
5. The Board may invite experts and observers to attend its meetings, and may cooperate with other Union bodies, offices, agencies and advisory groups, as well as external experts as appropriate. The Board shall make the results of this cooperation publicly available.
6. The Board shall adopt its rules of procedure, following the consent of the Commission.

(91) The Board should bring together the representatives of the Digital Services Coordinators and possible other competent authorities under the chairmanship of the Commission, with a view to ensuring an assessment of matters submitted to it in a fully European dimension. In view of possible cross-cutting elements that may be of relevance for other regulatory frameworks at Union level, the Board should be allowed to cooperate with other Union bodies, offices, agencies and advisory groups with responsibilities in fields such as equality, including equality between women and men, and non-discrimination, data protection, ***respect for intellectual property, competition***, electronic communications, audiovisual services, detection and investigation of frauds against the EU budget as regards custom duties, or consumer protection, as necessary for the performance of its tasks. (325 The Left, 326 RE, 327 ECR)

(92) [recital 92: COM text remains unchanged]

Compromise 46 on Article 49
covers amendments 1105 - 1108

Article 49
Tasks of the Board

1. Where necessary to meet the objectives set out in Article 47(2), the Board shall in particular:
 - (a) support the coordination of joint investigations;
 - (b) support the competent authorities in the analysis of reports and results of audits of very large online platforms to be transmitted pursuant to this Regulation;
 - (c) issue opinions, recommendations or advice to Digital Services Coordinators in accordance with this Regulation;
 - (ca) issue specific recommendations for the implementation of Article 27 and advise on possible application of sanctions in case of repeated non-compliance;[1105 RE]*
 - (d) advise the Commission to take the measures referred to in Article 51 and, where requested by the Commission adopt opinions on draft Commission measures concerning very large online platforms in accordance with this Regulation;
 - (e) support and promote the development and implementation of European standards, guidelines, reports, templates and code of conducts as provided for in this Regulation, as well as the identification of emerging issues, with regard to matters covered by this Regulation.
 - (ea) give recommendations or advice on matters related to Article 34.[ECR 1108]*
2. Digital Services Coordinators and other national competent authorities that do not follow the opinions, requests or recommendations addressed to them adopted by the Board shall provide the reasons for this choice when reporting pursuant to this Regulation or when adopting their relevant decisions, as appropriate.

Compromise 47 on Article 50-to 74, recitals 94-97a, 98, 99, 101, 104 106a
covers amendments 1105 - 1151, 329 - 347

Article 50
Enhanced supervision for very large online platforms

1. Where the Digital Services Coordinator of establishment adopts a decision finding that a very large online platform has infringed any of the provisions of Section 4 of Chapter III, it shall make use of the enhanced supervision

system laid down in this Article. It shall take utmost account of any opinion and recommendation of the Commission and the Board pursuant to this Article.

The Commission acting on its own initiative, or the Board acting on its own initiative or upon request of at least three Digital Services Coordinators of destination, *shall*, where it has reasons to suspect that a very large online platform infringed any of those provisions, recommend the Digital Services Coordinator of establishment to investigate the suspected infringement with a view to that Digital Services Coordinator adopting such a decision *without undue delay*.**[RE 1112, 1114 RE]**

2. When communicating the decision referred to in the first subparagraph of paragraph 1 to the very large online platform concerned, the Digital Services Coordinator of establishment shall request it to draw up and communicate to the Digital Services Coordinator of establishment, the Commission and the Board, within one month from that decision, an action plan, specifying how that platform intends to terminate or remedy the infringement. The measures set out in the action plan may include, where appropriate, participation in a code of conduct as provided for in Article 35.
3. Within one month following receipt of the action plan, the Board shall communicate its opinion on the action plan to the Digital Services Coordinator of establishment. Within one month following receipt of that opinion, that Digital Services Coordinator shall decide whether the action plan is appropriate to terminate or remedy the infringement.

Where the Digital Services Coordinator of establishment has concerns on the ability of the measures to terminate or remedy the infringement, it may request the very large online platform concerned to subject itself to an additional, independent audit to assess the effectiveness of those measures in terminating or remedying the infringement. In that case, that platform shall send the audit report to that Digital Services Coordinator, the Commission and the Board within four months from the decision referred to in the first subparagraph. When requesting such an additional audit, the Digital Services Coordinator may specify a particular audit organisation that is to carry out the audit, at the expense of the platform concerned, selected on the basis of criteria set out in Article 28(2).

4. The Digital Services Coordinator of establishment shall communicate to the Commission, the Board and the very large online platform concerned its views as to whether the very large online platform has terminated or remedied the infringement and the reasons thereof. It shall do so within the following time periods, as applicable:
 - (a) within one month from the receipt of the audit report referred to in the second subparagraph of paragraph 3, where such an audit was performed;
 - (b) within three months from the decision on the action plan referred to in the first subparagraph of paragraph 3, where no such audit was performed;

- (c) immediately upon the expiry of the time period set out in paragraph 2, where that platform failed to communicate the action plan within that time period.

Pursuant to that communication, the Digital Services Coordinator of establishment shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.

(94) [recital 94: COM text remains unchanged.]

(95) [recital 95: COM text remains unchanged]

Article 51

Intervention by the Commission and opening of proceedings

1. The Commission, acting either upon the Board's recommendation or on its own initiative after consulting the Board, **shall [RE 1123, 1124]** initiate proceedings in view of the possible adoption of decisions pursuant to Articles 58 and 59 in respect of the relevant conduct by the very large online platform that:
 - (a) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment did not take any investigatory or enforcement measures, pursuant to the request of the Commission referred to in Article 45(7), upon the expiry of the time period set in that request;
 - (b) is suspected of having infringed any of the provisions of this Regulation and the Digital Services Coordinator of establishment requested the Commission to intervene in accordance with Article 46(2), upon the reception of that request;
 - (c) has been found to have infringed any of the provisions of Section 4 of Chapter III, upon the expiry of the relevant time period for the communication referred to in Article 50(4).
2. **When** the Commission initiates proceedings pursuant to paragraph 1, it shall notify all Digital Services Coordinators, the Board and the very large online platform concerned. (RE 1127)

As regards points (a) and (b) of paragraph 1, pursuant to that notification, the Digital Services Coordinator of establishment concerned shall no longer be entitled to take any investigatory or enforcement measures in respect of the relevant conduct by the very large online platform concerned, without prejudice to Article 66 or any other measures that it may take at the request of the Commission.
3. The Digital Services Coordinator referred to in Articles 45(7), 46(2) and 50(1), as applicable, shall, without undue delay upon being informed, transmit to the Commission:
 - (a) any information that that Digital Services Coordinator exchanged relating to the infringement or the suspected infringement, as

applicable, with the Board and with the very large online platform concerned;

- (b) the case file of that Digital Services Coordinator relating to the infringement or the suspected infringement, as applicable;
- (c) any other information in the possession of that Digital Services Coordinator that may be relevant to the proceedings initiated by the Commission.

- 4. The Board, and the Digital Services Coordinators making the request referred to in Article 45(1), shall, without undue delay upon being informed, transmit to the Commission any information in their possession that may be relevant to the proceedings initiated by the Commission.

(96) [recital 96: COM text remains unchanged]

(97) [recital 97: COM text remains unchanged]

(97 a) The Commission should ensure that it is independent and impartial in its decision making in regards to both Digital Services Coordinators and providers of services under this Regulation. (336 RE)

Article 52

Requests for information

- 1. In order to carry out the tasks assigned to it under this Section, the Commission may by simple request or by decision require the very large online platforms concerned, ***their legal representatives*** (1130 ECR) as well as any other persons acting for purposes related to their trade, business, craft or profession that may be reasonably be aware of information relating to the suspected infringement or the infringement, as applicable, including organisations performing the audits referred to in Articles 28 and 50(3), to provide such information within a reasonable time period.
- 2. When sending a simple request for information to the very large online platform concerned or other person referred to in Article 52(1), the Commission shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which the information is to be provided, and the penalties provided for in Article 59 for supplying incorrect or misleading information.
- 3. Where the Commission requires the very large online platform concerned or other person referred to in Article 52(1) to supply information by decision, it shall state the legal basis and the purpose of the request, specify what information is required and set the time period within which it is to be provided. It shall also indicate the penalties provided for in Article 59 and indicate or impose the periodic penalty payments provided for in Article 60. It shall further indicate the right to have the decision reviewed by the Court of Justice of the European Union.
- 4. The owners of the very large online platform concerned or other person referred to in Article 52(1) or their representatives and, in the case of legal persons, companies or firms, or where they have no legal personality, the persons authorised to represent them by law or by their constitution shall supply the information requested on behalf of the very large online platform

concerned or other person referred to in Article 52(1). Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.

5. At the request of the Commission, the Digital Services Coordinators and other competent authorities shall provide the Commission with all necessary information to carry out the tasks assigned to it under this Section.

(98) [recital 98: COM text remains unchanged]

(99) In particular, the Commission, ***where it can show grounds for believing that a very large online platform is not compliant with this Regulation***, should have access to any relevant documents, data and information necessary to open and conduct investigations and to monitor the compliance with the relevant obligations laid down in this Regulation, irrespective of who possesses the documents, data or information in question, and regardless of their form or format, their storage medium, or the precise place where they are stored. The Commission should be able to directly require that the very large online platform concerned or relevant third parties, or than individuals, provide any relevant evidence, data and information ***related to those concerns***. In addition, the Commission should be able to request any relevant information from any public authority, body or agency within the Member State, or from any natural person or legal person for the purpose of this Regulation. The Commission should be empowered to require access to, and explanations relating to, databases and algorithms of relevant persons, and to interview, with their consent, any persons who may be in possession of useful information and to record the statements made. The Commission should also be empowered to undertake such inspections as are necessary to enforce the relevant provisions of this Regulation. Those investigatory powers aim to complement the Commission's possibility to ask Digital Services Coordinators and other Member States' authorities for assistance, for instance by providing information (341 RE)

Article 53

Power to take interviews and statements

In order to carry out the tasks assigned to it under this Section, the Commission may interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, in relation to the suspected infringement or infringement, as applicable.

Article 54

Power to conduct on-site inspections

1. In order to carry out the tasks assigned to it under this Section, the Commission may conduct on-site inspections at the premises of the very large online platform concerned or other person referred to in Article 52(1).
2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 57(2).
3. During on-site inspections the Commission and auditors or experts appointed by it may require the very large online platform concerned or other person referred to in Article 52(1) to provide explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to

key personnel of the very large online platform concerned or other person referred to in Article 52(1).

4. The very large online platform concerned or other person referred to in Article 52(1) is required to submit to an on-site inspection ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 59 and 60 and the right to have the decision reviewed by the Court of Justice of the European Union.

Article 55
Interim measures

1. In the context of proceedings which may lead to the adoption of a decision of non-compliance pursuant to Article 58(1), where there is an urgency due to the risk of serious damage for the recipients of the service, the Commission may, by decision, order *proportionate [EPP 1132]* interim measures against the very large online platform concerned on the basis of a prima facie finding of an infringement.
2. A decision under paragraph 1 shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.

Article 56
Commitments

1. If, during proceedings under this Section, the very large online platform concerned offers commitments to ensure compliance with the relevant provisions of this Regulation, the Commission may by decision make those commitments binding on the very large online platform concerned and declare that there are no further grounds for action.
2. The Commission may, upon request or on its own initiative, reopen the proceedings:
 - (a) where there has been a material change in any of the facts on which the decision was based;
 - (b) where the very large online platform concerned acts contrary to its commitments; or
 - (c) where the decision was based on incomplete, incorrect or misleading information provided by the very large online platform concerned or other person referred to in Article 52(1).
3. Where the Commission considers that the commitments offered by the very large online platform concerned are unable to ensure effective compliance with the relevant provisions of this Regulation, it shall reject those commitments in a reasoned decision when concluding the proceedings.

Article 57
Monitoring actions

1. For the purposes of carrying out the tasks assigned to it under this Section, the Commission may take the necessary actions to monitor the effective

implementation and compliance with this Regulation by the very large online platform concerned. The Commission may also order that platform to provide, *where necessary*, access to its databases and algorithms, *and to provide explanations relating to them [EPP 1135 modified]*.

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission in monitoring compliance with the relevant provisions of this Regulation and to provide specific expertise or knowledge to the Commission.

Article 58
Non-compliance

1. The Commission shall adopt a non-compliance decision, *after consulting the Board, [ID 1136]* where it finds that the very large online platform concerned does not comply with one or more of the following:
 - (a) the relevant provisions of this Regulation;
 - (b) interim measures ordered pursuant to Article 55;
 - (c) commitments made binding pursuant to Article 56,
2. Before adopting the decision pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the very large online platform concerned. In the preliminary findings, the Commission shall explain the measures that it considers taking, or that it considers that the very large online platform concerned should take, in order to effectively address the preliminary findings.
3. In the decision adopted pursuant to paragraph 1 the Commission shall order the very large online platform concerned to take the necessary measures to ensure compliance with the decision pursuant to paragraph 1 within a reasonable time period and to provide information on the measures that that platform intends to take to comply with the decision.
4. The very large online platform concerned shall provide the Commission with a description of the measures it has taken to ensure compliance with the decision pursuant to paragraph 1 upon their implementation.
5. Where the Commission finds that the conditions of paragraph 1 are not met, it shall close the investigation by a decision.

Article 59
Fines

1. In the decision pursuant to Article 58, the Commission may impose on the very large online platform concerned fines not exceeding 6% of its total turnover in the preceding financial year where it finds that that platform, intentionally or negligently:
 - (a) infringes the relevant provisions of this Regulation;
 - (b) fails to comply with a decision ordering interim measures under Article 55; or

- (c) fails to comply with a voluntary measure made binding by a decision pursuant to Articles 56.
2. The Commission may by decision, *and in compliance with the proportionality principle, [1138 EPP]* impose on the very large online platform concerned or other person referred to in Article 52(1) fines not exceeding 1% of the total turnover in the preceding financial year, where they intentionally or negligently:
 - (a) supply incorrect, incomplete or misleading information in response to a request pursuant to Article 52 or, when the information is requested by decision, fail to reply to the request within the set time period;
 - (b) fail to rectify within the time period set by the Commission, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information;
 - (c) refuse to submit to an on-site inspection pursuant to Article 54.
 3. Before adopting the decision pursuant to paragraph 2, the Commission shall communicate its preliminary findings to the very large online platform concerned or other person referred to in Article 52(1).
 4. In fixing the amount of the fine, the Commission shall have regard to the nature, gravity, duration and recurrence of the infringement and, for fines imposed pursuant to paragraph 2, the delay caused to the proceedings.

Article 60
Periodic penalty payments

1. The Commission may, by decision, impose on the very large online platform concerned or other person referred to in Article 52(1), as applicable, periodic penalty payments not exceeding 5 % of the average daily turnover in the preceding financial year per day, calculated from the date appointed by the decision, in order to compel them to:
 - (a) supply correct and complete information in response to a decision requiring information pursuant to Article 52;
 - (b) submit to an on-site inspection which it has ordered by decision pursuant to Article 54;
 - (c) comply with a decision ordering interim measures pursuant to Article 55(1);
 - (d) comply with commitments made legally binding by a decision pursuant to Article 56(1);
 - (e) comply with a decision pursuant to Article 58(1).
2. Where the very large online platform concerned or other person referred to in Article 52(1) has satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may fix the definitive amount of the periodic penalty payment at a figure lower than that which would arise under the original decision.

Article 61
Limitation period for the imposition of penalties

1. The powers conferred on the Commission by Articles 59 and 60 shall be subject to a limitation period of five years.
2. Time shall begin to run on the day on which the infringement is committed. However, in the case of continuing or repeated infringements, time shall begin to run on the day on which the infringement ceases.
3. Any action taken by the Commission or by the Digital Services Coordinator for the purpose of the investigation or proceedings in respect of an infringement shall interrupt the limitation period for the imposition of fines or periodic penalty payments. Actions which interrupt the limitation period shall include, in particular, the following:
 - (a) requests for information by the Commission or by a Digital Services Coordinator;
 - (b) on-site inspection;
 - (c) the opening of a proceeding by the Commission pursuant to Article 51(2).
4. Each interruption shall start time running afresh. However, the limitation period for the imposition of fines or periodic penalty payments shall expire at the latest on the day on which a period equal to twice the limitation period has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended pursuant to paragraph 5.
5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.

Article 62
Limitation period for the enforcement of penalties

1. The power of the Commission to enforce decisions taken pursuant to Articles 59 and 60 shall be subject to a limitation period of five years.
2. Time shall begin to run on the day on which the decision becomes final.
3. The limitation period for the enforcement of penalties shall be interrupted:
 - (a) by notification of a decision varying the original amount of the fine or periodic penalty payment or refusing an application for variation;
 - (b) by any action of the Commission, or of a Member State acting at the request of the Commission, designed to enforce payment of the fine or periodic penalty payment.
4. Each interruption shall start time running afresh.
5. The limitation period for the enforcement of penalties shall be suspended for so long as:
 - (a) time to pay is allowed;

- (b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.

Article 63

Right to be heard and access to the file

1. Before adopting a decision pursuant to Articles 58(1), 59 or 60, the Commission shall give the very large online platform concerned or other person referred to in Article 52(1) the opportunity of being heard on:
 - (a) preliminary findings of the Commission, including any matter to which the Commission has taken objections; and
 - (b) measures that the Commission may intend to take in view of the preliminary findings referred to point (a).
2. The very large online platform concerned or other person referred to in Article 52(1) may submit their observations on the Commission's preliminary findings within a reasonable time period set by the Commission in its preliminary findings, which may not be less than 14 days.
3. The Commission shall base its decisions only on objections on which the parties concerned have been able to comment.
4. The rights of defence of the parties concerned shall be fully respected in the proceedings. They shall be entitled to have access to the Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of the very large online platform concerned or other person referred to in Article 52(1) in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the Commission or Member States' authorities. In particular, the right of access shall not extend to correspondence between the Commission and those authorities. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.
5. The information collected pursuant to Articles 52, 53 and 54 shall be used only for the purpose of this Regulation.
6. Without prejudice to the exchange and to the use of information referred to in Articles 51(3) and 52(5), the Commission, the Board, Member States' authorities and their respective officials, servants and other persons working under their supervision,; and any other natural or legal person involved, including auditors and experts appointed pursuant to Article 57(2) shall not disclose information acquired or exchanged by them pursuant to this Section and of the kind covered by the obligation of professional secrecy.

(101) [recital 101: COM text remains unchanged.]

Article 64

Publication of decisions

1. The Commission shall publish the decisions it adopts pursuant to Articles 55(1), 56(1), 58, 59 and 60. Such publication shall state the names of the

parties and the main content of the decision, including any penalties imposed.

2. The publication shall have regard to the rights and legitimate interests of the very large online platform concerned, any other person referred to in Article 52(1) and any third parties in the protection of their confidential information.

Article 65

Requests for access restrictions and cooperation with national courts

1. Where all powers pursuant to this Article to bring about the cessation of an infringement of this Regulation have been exhausted, the infringement persists and causes serious harm which cannot be avoided through the exercise of other powers available under Union or national law, the Commission may request the Digital Services Coordinator of establishment of the very large online platform concerned to act pursuant to Article 41(3).

Prior to making such request to the Digital Services Coordinator, the Commission shall invite interested parties to submit written observations within a time period that shall not be less than two weeks, describing the measures it intends to request and identifying the intended addressee or addressees thereof.

2. Where the coherent application of this Regulation so requires, the Commission, acting on its own initiative, may submit written observations to the competent judicial authority referred to Article 41(3). With the permission of the judicial authority in question, it may also make oral observations.

For the purpose of the preparation of its observations only, the Commission may request that judicial authority to transmit or ensure the transmission to it of any documents necessary for the assessment of the case.

Article 66

Implementing acts relating to Commission intervention

1. In relation to the Commission intervention covered by this Section, the Commission may adopt implementing acts concerning the practical arrangements for:
 - (c) the proceedings pursuant to Articles 54 and 57;
 - (a) the hearings provided for in Article 63;
 - (b) the negotiated disclosure of information provided for in Article 63.
2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. Before the adoption of any measures pursuant to paragraph 1, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within the time period set out therein, which shall not be less than one month.

SECTION 4

COMMON PROVISIONS ON ENFORCEMENT

Article 67 *Information sharing system*

1. The Commission shall establish and maintain a reliable and secure information sharing system supporting communications between Digital Services Coordinators, the Commission and the Board.
2. The Digital Services Coordinators, the Commission and the Board shall use the information sharing system for all communications pursuant to this Regulation.
3. The Commission shall adopt implementing acts laying down the practical and operational arrangements for the functioning of the information sharing system and its interoperability with other relevant systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70.

Article 68 *Representation*

Without prejudice to Directive 2020/XX/EU of the European Parliament and of the Council², recipients of intermediary services shall have the right to mandate a body, organisation or association to exercise the rights referred to in Articles 17, 18 and 19 on their behalf, provided the body, organisation or association meets all of the following conditions:

- (a) it operates on a not-for-profit basis;
- (b) it has been properly constituted in accordance with the law of a Member State;
- (c) its statutory objectives include a legitimate interest in ensuring that this Regulation is complied with.

SECTION 5

DELEGATED ACTS

Article 69 *Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 23, 25, and 31 shall be conferred on the Commission for an indeterminate period of time from [date of expected adoption of the Regulation].
3. The delegation of power referred to in Articles 23, 25 and 31 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that

² [Reference]

decision. It shall take effect the day following that of its publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 23, 25 and 31 shall enter into force only if no objection has been expressed by either the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.

(104) [recital 104: COM text remains unchanged.]

Article 70
Committee

1. The Commission shall be assisted by the Digital Services Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this Article, Article 4 of Regulation (EU) No 182/2011 shall apply.

Chapter V
Final provisions

Article 71
Deletion of certain provisions of Directive 2000/31/EC

1. Articles 12 to 15 of Directive 2000/31/EC shall be deleted.
2. References to Articles 12 to 15 of Directive 2000/31/EC shall be construed as references to Articles 3, 4, 5 and 7 of this Regulation, respectively.

Article 72
Amendments to Directive 2020/XX/EC on Representative Actions for the Protection of the Collective Interests of Consumers

3. The following is added to Annex I:
“(X) Regulation of the European Parliament and of the Council on a Single Market for Digital Services (Digital Services Act) and amending Directive 2000/31/EC”

Article 73
Evaluation

1. By five years after the entry into force of this Regulation at the latest, and every five years thereafter, the Commission shall evaluate this Regulation

and report to the European Parliament, the Council and the European Economic and Social Committee. ***On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation. (1148 ECR)***

2. For the purpose of paragraph 1, Member States and the Board shall send information on the request of the Commission.
3. In carrying out the evaluations referred to in paragraph 1, the Commission shall take into account the positions and findings of the European Parliament, the Council, and other relevant bodies or sources.
4. By three years from the date of application of this Regulation at the latest, the Commission, after consulting the Board, shall carry out an assessment of the functioning of the Board and shall report it to the European Parliament, the Council and the European Economic and Social Committee, taking into account the first years of application of the Regulation. On the basis of the findings and taking into utmost account the opinion of the Board, that report shall, where appropriate, be accompanied by a proposal for amendment of this Regulation with regard to the structure of the Board.

Article 74

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from [date - three months after its entry into force].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

(106 a) In order to promote the freedom of expression and media pluralism online, the importance of editorial content and services must be recognised, requiring intermediary service providers to refrain from removing, suspending or disabling access to it. It follows that intermediary service providers should be exempt from liability for editorial content and services. Intermediary service providers should put mechanisms in place to facilitate the practical application, for example, the flagging of lawful editorial content and services by content providers. Providers of editorial content and services should be identified by the Member State in which the provider is established. These providers should be understood as performing an economic activity within the meaning of Articles 56 and 57 TFEU. (346 EPP)

ALTERNATIVE COMPROMISE AMENDMENTS

Compromise 1A on Article 1 and 1a

covers amendments 12, 348- 368, on recitals 90 - 116, 139, 140

Article 1

Subject matter and scope

1. This Regulation lays down harmonised rules on the provision of intermediary services *in order to improve the functioning of* the internal market *whilst ensuring the rights enshrined in the Charter of Fundamental Rights of the European Union, in particular the freedom of expression and information in an open and democratic society*. In particular, it establishes: (348 RE)
 - (a) a framework for the conditional exemption from liability of providers of intermediary services;
 - b) rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services;
 - (c) rules on the implementation and enforcement of this Regulation, including as regards the cooperation of and coordination between the competent authorities.
2. The aims of this Regulation are to:
 - (a) contribute to the proper functioning of the internal market for intermediary services;
 - (b) set out uniform, *proportionate, harmonised* rules for a safe, predictable, *accessible* and trusted online environment, where fundamental rights enshrined in the Charter are effectively protected. (350 EPP, 351 RE)
 - (ba) facilitate innovation, support digital transition, encourage economic growth and create a level playing field for digital services within the internal market.* (12 EPP)
 - (bb) protect consumers making use of services falling under this Regulation.* (532 Left)
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.

3a. This Regulation shall apply to instant messaging services only where content is disseminated to the public
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.
5. This Regulation is without prejudice to the rules laid down by the following:
 - (a) Directive 2000/31/EC;
 - (b) Directive 2010/13/EU *as amended by Directive 2018/1808/EU*; (358 RE)
 - (c) Union law on copyright and related rights, *in particular Directive (EU) 2019/790 on Copyright and Related Rights in Digital Single Market*; (360, 361 RE)
 - (d) Regulation (EU) .../.... on preventing the dissemination of terrorist content online [TCO 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]

(f) Regulation (EU) 2019/1148;

(g) Regulation (EU) 2019/1150;

(h) Union law on consumer protection and product safety, including Regulation (EU) 2017/2394, **Regulation (EU) 2019/1020 and Regulation XXX (General Product Safety Regulation)**; (363 RE)

(i a) **Directive (EU) 2019/882** (364 RE)

(i b) **Directive 2006/123/EC** (365 S&D)

5 a. *The Commission shall by [within one year of the adoption of this Regulation] publish guidelines with regard to the relations between this Regulation and legislative acts listed in Article 1(5). These guidelines shall clarify any potential conflicts between the conditions and obligations listed in those legislative acts and which act prevails where actions, in line with this Regulation, fulfil the obligations of another legislative act and which regulatory authority is competent.* (366 RE)

Article 1a

Contractual provisions

Any contractual provisions between an intermediary service provider and a trader, business user, or a recipient of its service which are contrary to this Regulation shall be unenforceable.

Recitals

(1) Information society services and especially intermediary services have become an important part of the Union's economy and daily life of Union citizens. Twenty years after the adoption of the existing legal framework applicable to such services laid down in Directive 2000/31/EC of the European Parliament and of the Council, 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 **and innovative ways, transforming their communication, connection, consumption and business habits on the one hand, and bringing about societal and economic transformations in the EU on the other [AM 90 EPP]**. 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 **for example in the form of financial fraud and scams on social networks [AM 91 EPP]**, and for society as a whole.

(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 create regulatory fragmentation and** negatively affect the internal market, which, pursuant to Article 26 of the Treaty, comprises an area without internal frontiers in which the free movement of goods and services and freedom of establishment are ensured, taking into account the inherently cross-border nature of the internet, which is generally used to provide those services. The conditions for the provision of intermediary services across the internal market should be harmonised, so as to provide businesses with access to new markets and opportunities to exploit the benefits of the internal market, while allowing consumers and other recipients of the services to have increased choice, **striking a proper balance between support for**

innovation on the one hand and protection for consumers and other service users on the other. [AM 92 EPP]

(3) Responsible and diligent behaviour by providers of intermediary services is essential for a safe, **accessible [AM 97 EPP]**, predictable and trusted online environment and for allowing Union citizens and other persons to exercise their 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, **privacy and personal data protection**, the right to non-discrimination **and access to justice** (96 S&D).

(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 **and fundamental rights respected [AM 98 The Left]**.

(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 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 Council. 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.

(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,²⁸ and Regulation (EU) .../.. of the European Parliament and of the Council²⁹ – proposed Terrorist Content Online Regulation. Therefore, this Regulation leaves those other acts, **among others, [105]** which are to be considered *lex specialis* in relation to the generally applicable framework set out in this Regulation, unaffected. ***This regulation should also respect the competences of Member States to adopt laws promoting freedom and pluralism of the media as well as cultural and linguistic diversity [AM 107, AM 110, AM 116].*** 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~~ ***should not affect Member States' freedom to regulate [AM 108, AM 109]*** issues on which those other acts leave Member States the

possibility of adopting certain measures at national level. ***In the event of a conflict between Directive 2010/13/EU as amended and this Regulation, Directive 2010/13/EU as well as the national measures taken in accordance with that Directive should prevail [AM 108]. To assist Member States and providers, the Commission should provide guidelines as to how to interpret the interaction between different Union acts and how to prevent any duplication of requirements on providers or potential conflicts in the interpretation of similar requirements [AM 105].***

(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 and Regulation (EU) 2019/1150 of the European Parliament and of the Council, Directive 2002/58/EC of the European Parliament and of the Council and Regulation [...] on temporary derogation from certain provisions of Directive 2002/58/EC as well as Union law on consumer protection, in particular Directive 2005/29/EC of the European Parliament and of the Council, Directive 2011/83/EU of the European Parliament and of the Council and Directive 93/13/EEC of the European Parliament and of the Council, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council, ***Directive 2010/11/EC of the European Parliament and of the Council, Directive 2006/123/EC of the European Parliament and of the Council, (112 S&D)***, and on the protection of personal data, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council. 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.

(11) It should be clarified that this Regulation is without prejudice to the rules of Union law on copyright and related rights, ***in particular Directive (EU) 2019/790 on Copyright and Related Rights in Digital Single Market [AM 114]***, which establish specific rules and procedures that should remain unaffected ***and are lex specialis, prevailing over this Regulation [AM 115].***

(14) The concept of ‘dissemination to the public’, as used in this Regulation to define the concept of ‘online platforms’, should entail the making available of information to a ***Very large or*** 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, including a messaging*** service should not, in itself, be understood to mean that the information disseminated in that manner is not disseminated to the public. However, the concept should exclude dissemination of information within closed groups consisting of a ***finite*** number of pre-determined persons ***taking into account the potential for groups to become tools for wide dissemination of content to the public. Where access to information requires registration or admittance to a group of users, that information should be considered to be disseminated to the public only where users seeking to access the information are automatically registered or admitted without a human decision or selection of whom to grant access.*** Interpersonal communication services, as defined in Directive (EU) 2018/1972 of the European Parliament and of the Council,¹ such as emails or private messaging services, fall outside the scope of this Regulation ***where they do not meet the above criteria for "dissemination to the public". Interpersonal communications services only cover communications between a finite, that is to say not potentially unlimited,***

number of natural persons, which is determined by the sender of the communication . 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. ***File-sharing services and other cloud services fall within the scope of this Regulation, to the extent that such services are used to make the stored information available to the public.***

[recital 15: no amendments tabled

(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.]

(16) The legal certainty provided by the horizontal framework of conditional exemptions from liability for providers of intermediary services, laid down in Directive 2000/31/EC, has allowed many novel services to emerge and scale-up across the internal market. That framework should therefore be preserved. However, in view of the divergences when transposing and applying the relevant rules at national level, and for reasons of clarity ***consistency, predictability, accessibility [AM 140]*** 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.

Compromise 4A (alternative to rapporteur's COMP 4)

Article 5

Hosting

1. Where an information society service is provided that consists of the storage of information provided by a recipient of the service the service provider shall not be liable for the information stored at the request of a recipient of the service on condition that the provider:
 - (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
 - (b) upon obtaining such knowledge or awareness, acts expeditiously to remove or to disable access to the illegal content.
2. Paragraph 1 shall not apply where the recipient of the service is acting under the authority or the control of the provider.
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.

4. 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.

Recitals:

- (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~~ has 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. *The exemptions from liability established byin this Regulation should not depend on uncertain notions such as an 'active', 'neutral' or 'passive' role of providers.*
- (20) [we did not table AMs; keep COM wording]
- (22) In order to benefit from the exemption from liability for hosting services, the provider should, *after becoming aware of the unlawful nature of content* ~~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 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.
- (23) [we did not table AMs; keep COM wording]
- (24) [we did not table AMs; keep COM wording]

Compromise 6A on Art 7 and recital 28

Article 7

No general monitoring, *or automated content moderation* active fact-finding obligations

1. 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.

1a. Providers of intermediary services shall not be obliged to use automated tools for content moderation (441 S&D, 442 Greens, 443 RE)

2. This Regulation shall not prevent providers from offering end-to-end encrypted services. The provision of such services shall not constitute a reason for liability or for becoming ineligible for the exemptions from liability. (440 RE)

Recital 28

(28) *Member States are prevented from imposing* a monitoring obligation *on service providers only* with respect to obligations of a general nature, ~~imposing constant content identification from the entirety of available content.~~ This does not concern monitoring obligations in a specific case, *where set down in Union acts* and, in particular, does not affect orders by national authorities in accordance with national legislation *that implements*

European acts, in accordance with the conditions established in this Regulation *and other European lex specialis*. 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 *or as an obligation to use automated content-filtering tools*. *Equally, nothing in this Regulation should prevent providers from enacting end-to-end encrypting of their services.* (7 EPP, 165 RE, ~~167 ECR~~, 168 S&D).

Compromise 7A on Art 8 and recitals 29, 30, 31 (alternative to rapporteur's COMP 7)

Article 8

Orders to act against illegal content

1. Providers of intermediary services shall, upon the receipt of an order to act against a specific item of illegal content, *received from and* issued by the relevant national judicial or administrative authorities, on the basis of the applicable Union or national law, in conformity with Union law, *including the Charter of Fundamental Rights of the European Union*, 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. (445 RE)

1 a. 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 undue delay, inform the authority that has issued the order. (447 RE)

2. Member States shall ensure that the orders referred to in paragraph 1 meet the following conditions:

(a) the orders contains the following elements:

- a statement of reasons explaining why the information is illegal content, by reference to the specific provision of Union or national law infringed;

- *identification of the competent judicial or administrative authority;* (454 S&D, 453 RE)

- *reference to the legal basis for the order;* (455 S&D)

- information about redress *mechanisms* available to the provider of the service and to the recipient of the service who provided the content; (456 Greens)

(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;

~~(ba) the territorial scope of an order addressed to a provider that has its main establishment or legal representation in another Member State or legal representation outside the Union, is limited to the territory of the Member State issuing the order, unless the legal basis for the order is directly applicable Union law;~~ (460 S&D, 459 RE)

(ba) the territorial scope of an order addressed to a provider that has its main establishment in another Member State is limited to the territory of the Member State issuing the order, unless the legal basis for the order is directly applicable Union law;

(bb) *the territorial scope of an order addressed to a provider that has its main establishment outside the Union, is limited to the territory of the Member State issuing the order or, where the legal basis for the order is directly applicable Union law, to the territory of the Union.*

(c) the order is drafted in the language declared by the provider and is sent to the point of contact, appointed by the provider, in accordance with Article 10, ***or in the official language of the Member State that issues the order against the specific item of illegal content. In such case, the point of contact may request the competent authority to provide translation into the language declared by the provider.*** (464 RE)

(c a) the order is issued only where no other effective means are available to bring about the cessation or the prohibition of the infringement; (467 RE)

(cb) where more than one provider of intermediary services is responsible for hosting the specific item, the order is issued to the most appropriate provider that has the technical and operational ability to act against the specific item. (468 RE)

2 a. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific template and form for such orders. (469 RE)

2 b. Member States shall ensure that providers have a right to appeal and object to implementing the order and shall facilitate the use and access to that right. (470 RE)

3. The Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.

4. The conditions and requirements laid down in this article shall be without prejudice to ***civil court decisions and*** requirements under national criminal procedural law in conformity with Union law. (479 EPP)

4a. The conditions and requirements laid down in this article shall be without prejudice to data confidentiality and commercial secrecy requirements, in conformity with Union law including the Charter of Fundamental Rights of the European Union (482 EPP)

4 b. The Commission shall adopt implementing acts, organising a European information exchange system, allowing for secure communication and authentication of authorised orders between relevant authorities, Digital Services Coordinators and providers, as referred to in Articles 8(1), 8a(1) and 9(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 70. (480 ECR, 481 Greens)

Recital 29

(29) Depending on the legal 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 ***in conformity with the Union law, including the Charter of Fundamental Rights of the European Union*** on the basis of which such orders are issued differ considerably and the orders are increasingly addressed in cross-border situations, ***often leading to fragmentation of the internal market.*** 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 *uniform* conditions that those orders should meet and certain complementary requirements relating to the *effective* processing of those orders. ***The applicable rules on the mutual recognition of court decisions should be unaffected. (171 Greens, 172 RE, 173 EPP, 174 RE).***

Recital 30

(30) Orders to act against illegal content or to provide information should be issued in compliance with Union law, ***including the Charter of Fundamental Rights of the European Union and*** 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 competent authorities of Member States should be able to object to the Board orders to act against illegal content, that they consider are in breach of Union law, including the Charter. The procedure for objection should be simplified and fast-tracked when such orders are issued from an administrative or judicial authority of a Member State that is under an Article 7 procedure for infringement of European values pursuant to article 2 of TEU.*** The conditions and requirements laid down in this Regulation which apply to orders to act against illegal content are without prejudice to other Union acts providing for similar systems for acting against specific types of illegal content, such as Regulation (EU) .../.... [proposed Regulation addressing the dissemination of terrorist content online], or Regulation (EU) 2017/2394 that confers specific powers to order the provision of information on Member State consumer law enforcement authorities, whilst the conditions and requirements that apply to orders to provide information are without prejudice to other Union acts providing for similar relevant rules for specific sectors. Those conditions and requirements should 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. (175 RE)

(31) The territorial scope of such orders to act against illegal content should be clearly set out on the basis of the applicable Union or national law enabling the issuance of the order and should not exceed what is strictly necessary to achieve its objectives. In that regard, the national judicial or administrative authority issuing the order should balance the objective that the order seeks to achieve, in accordance with the legal basis enabling its issuance, with the rights and legitimate interests of all third parties that may be affected by the order, in particular their fundamental rights under the Charter. In addition, where the order referring to the specific information may have effects beyond the territory of the Member State of the authority concerned, the authority should assess whether the 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. ***In this context and to maintain proportionality, orders addressed to a provider that has its main establishment ~~or legal representation~~ in another Member State or outside the Union should in principle be limited to the Member State issuing the order, ~~unless the legal basis for the order is directly applicable Union law.~~***

Compromise 14A (alternative to rapporteur's COMP 14)

Article 14

Notice and action mechanisms

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, ***clearly visible on the hosting service interface***, user-friendly ***and located close to the content in question allowing*** for the submission of notices exclusively by electronic means ***in the language of the individual or entity submitting a notice***.
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:
 - (a) an ***sufficiently substantiated*** explanation of the reasons why the individual or entity considers the information in question to be illegal content;
 - (b) a clear indication of the electronic location of that information, in particular the exact URL or URLs, and, where necessary, additional information enabling the identification of the illegal content;
 - (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;
 - (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.
- ~~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.***~~
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.
5. The provider shall also, without undue delay, notify ~~***that the submitting***~~ individual or entity ***as well as the information provider*** of its decision in respect of the information to which the notice relates, providing information on the redress possibilities in respect of that decision.
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 ***or in respect of the recipient of the service who provided this information***, in a swift, diligent and ~~***objective non-arbitrary***~~ manner ***and in general within a maximum of 72 hours***. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4. ***This means, in particular, key information on the procedure followed, the technology used, the criteria and reasoning underpinning the decision and the rationale behind any automated tools used.***

- 6a. *Providers of marketplaces shall, without undue delay and within 7 days of the receipt of the notification at the latest, inform consumers who have purchased illegal products between the moment they have been uploaded on the provider's website and the moment the listing has been taken down by the platform following a valid notice. This shall not lead to any obligation of profiling of consumers.*
- 6b. *This article shall not apply to editorial content provided by a trader assuming editorial responsibility for that content and complying with rules which are in line with community and national law.*

Recitals:

(40) [we did not table AMs; keep COM wording]

(40 a) 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 as to an online platform and not to the hosting service provider on which provides services to that online platform. Such hosting service providers should redirect such notices to the particular online platform and inform the notifying party of this fact.

(41) [we did not table AMs; keep COM wording]

(41 a) Where a hosting service provider decides to remove or disable information provided by a recipient of the service, either because it is illegal or is not allowed under its terms and conditions, it should do so in a timely manner, taking into account the potential harm of the infraction and the technical abilities of the provider.