Ecommerce Europe DSA Amendments

	Text proposed by the Commission	*Proposed amendment*	*Justification*
Recital 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 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	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 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	It is important to ensure that there is no overlap between what is considered an advertisement under the DSA, and what is just a regular marketplace listing.

	the storage of information in terminal equipment and the access to information stored therein.	and the access to information stored therein. **Finally, the requirements of this Regulation on the provision of information relating to advertisement should not apply to content generated by recipients of the service for the purpose of offering for sale a product or a service, that is hosted by an online platform, to the extent that the payment for this service is not considered to be a payment for specifically achieving higher ranking of that offer, in application of the relevant provisions of Directive (EU) 2019/2161.**	
Recital 54	Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses have a disproportionately negative impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to 10% of the Union population. The operational threshold should be kept up to date through amendments 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.	Very large online platforms may cause societal risks, different in scope and impact from those caused by smaller platforms. Once the number of recipients of a platform reaches a significant share of the Union population, the systemic risks the platform poses have a disproportionately negative impact in the Union. Such significant reach should be considered to exist where the number of recipients exceeds an operational threshold set at 45 million, that is, a number equivalent to 10% of the Union population. The operational threshold should be kept up to date through amendments 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. **The concept of active recipient targets active users of the intermediary services. This concept varies depending on the type of intermediary services offered by the platform. In the case of a commercial website proposing both intermediary services as well as other kinds of services, a user accessing the website is not considered to be an "active recipient" unless he actively uses the intermediary service offered, meaning he purchases from a third-party seller.**	Some websites have a dual activity: acting in their own name as well as offering hosting services. In the case of a commercial website referencing also offers from third party sellers, only third-party sellers and their actual customers should be considered as "active users" of the intermediary services, which is different from all visitors on the website. Many commercial platforms are too small to support the burden of obligations for VLOPs although they attract a very high traffic.

		In that case, mere visitors of this website are not to be considered as "active recipients".	
Article 8.2(a)	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; – one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content concerned; – information about redress available to the provider of the service and to the recipient of the service who provided the content;	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; – one or more exact uniform resource locators and, where necessary, additional information enabling the identification of the illegal content concerned; – information about redress available to the provider of the service and to the recipient of the service who provided the content; – **a declaration whether the order may be shared with the affected recipient of service, and in case that it cannot, a statement that the hosting provider may share with the recipient of service instead;**	It would be helpful if the authority issuing the order would specify to the hosting provider whether the order may be shared with the recipient to the service. Providers should not be encumbered with making that decision.
Article 8.3	3. The Digital Services Coordinator from the Member State of the judicial or administrative authority issuing the order shall, without undue delay, transmit a copy of the orders referred to in paragraph 1 to all other Digital Services Coordinators through the system established in accordance with Article 67.	3. **The judicial or administrative authority issuing the order shall, without delay, transmit a copy of the order referred to in paragraph 1 to the Digital Services Coordinator of its Member State.** ~~The~~ **That** 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.	It is not defined so far how the DSC obtains a copy of the orders in the first place. It should therefore be clarified that, before the DSCs can share a copy of the order with DSCs from other Member States, that the relevant authority should share the copy of the order with the DSC.
Article 11.2	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	2. Providers of intermediary services shall mandate their legal representatives to be addressed in addition to or instead of the provider by the Member States' authorities, the Commission and the Board	

	on all issues necessary for the receipt of, compliance with and enforcement of decisions issued in relation to this Regulation. Providers of intermediary services shall provide their legal representative with the necessary powers and resource to cooperate with the Member States' authorities, the Commission and the Board and comply with those decisions.	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 representatives with the necessary powers and resources to cooperate with the Member States' authorities, the Commission and the Board and comply with those decisions **and with their obligations when the provider of intermediary services is liable for infringement of the obligations set out in this Regulation**.	

Article 12	1. Providers of intermediary services shall include information on any restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service, in their terms and conditions. That information shall include information on any policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format. 2. Providers of intermediary services shall act in a diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter.	1. Providers of intermediary services shall ~~include~~ **publish** information on ~~any~~ restrictions that they impose in relation to the use of their service in respect of information provided by the recipients of the service. ~~in their terms and conditions.~~ That information shall include **the necessary** information on ~~any~~ policies, procedures, measures and tools used for the purpose of content moderation, including algorithmic decision-making and human review. It shall be set out in clear and unambiguous language and shall be publicly available in an easily accessible format. 2. Providers of intermediary services shall act in a diligent, objective and proportionate manner in applying and enforcing the restrictions referred to in paragraph 1, with due regard to the rights and legitimate interests of all parties involved, including the applicable fundamental rights of the recipients of the service as enshrined in the Charter. **3. Providers of intermediary services shall, when complying with the requirements of this Article, not be required to disclose information thatwould result in the manipulation of content moderation procedures or the disclosure of trade secrets, in line with Directive (EU) 2016/943.**	The terms and conditions are the contractual basis for the service and not the right place for information relating to specific tools, processes and measures. Due to best practices, users expect such information in dedicated policies and guidelines. The disclosure of detailed information on the content moderation policies, procedures, measures and tools could lead to circumvention by actors seeking to sell illegal products. The safeguard proposed under 3. would ensure that sensitive information would not have to be disclosed when it could lead to abuse.
Article 13	1. Providers of intermediary services shall publish, at least once a year, clear, easily comprehensible and detailed reports on any content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable: a) the number of orders received from Member States' authorities, categorised by the type of illegal content concerned, including orders issued in accordance with Articles 8 and 9, and the average	Providers of intermediary services shall **upon request send to the Digital Services Coordinator of establishment**, at least once a year, clear, easily comprehensible and detailed reports on **relevant** content moderation they engaged in during the relevant period. Those reports shall include, in particular, information on the following, as applicable: a) the number of orders received from Member States' authorities, categorised by the type of illegal	The disclosure of detailed information on the content moderation actions taken by intermediary services pursuant to order or notices could lead to circumvention of rules by ill-intentioned actors. The safeguard proposed under 3. would ensure that sensitive information would not have

	time needed for taking the action specified in those orders; (b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider, and the average time needed for taking the action; (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, 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. 2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC.	content concerned, including orders issued in accordance with Articles 8 and 9~~, and the average time needed for taking the action specified in those orders~~; (b) the number of notices submitted in accordance with Article 14, categorised by the type of alleged illegal content concerned, any action taken pursuant to the notices by differentiating whether the action was taken on the basis of the law or the terms and conditions of the provider~~, and the average time needed for taking the action~~; (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, 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. 2. Paragraph 1 shall not apply to providers of intermediary services that qualify as micro or small enterprises within the meaning of the Annex to Recommendation 2003/361/EC. **3. Providers of intermediary services shall, when complying with the requirements of this Article, not be required to disclose information that would result in the manipulation of content moderation procedures or the disclosure of**	to be disclosed when it could lead to abuse.

		trade secrets, in line with Directive (EU) 2016/943.	
Article 14	1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means. 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 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	1. Providers of hosting services shall put mechanisms in place to allow any individual or entity to notify them of the presence on their service of specific items of information that the individual or entity considers to be illegal content. Those mechanisms shall be easy to access, user-friendly, and allow for the submission of notices exclusively by electronic means. **Providers of hosting services may make mandatory the use of such mechanisms for the submission of notices.** 2. The mechanisms referred to in paragraph 1 shall be such as to ~~facilitate~~ **enable** the submission of sufficiently precise and adequately substantiated notices, on the basis of which a diligent ~~economic operator~~ **reviewer** 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 **must** contain~~ing~~ all of the following elements: (a) an explanation of the reasons why the individual or entity **submitting the notice** 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;	For some (smaller) hosting providers, due to the nature of their service, there may be fewer issues with illegal content and consequently be only very few notices. Forcing them to facilitate notices via a certain format would be disproportionate. Notices could for instance be done successfully via e-mail in those instances. The important aspect is that the notices contain the elements mentioned in the article. At the same time, providers must be in the position to make dedicated intake channels mandatory to allow for efficient and streamlined processing of notices. Art. 14.3 seems to suggest that a notice that fulfills all elements under Art. 14.2 gives rise to actual knowledge or awareness, and thereby assumes that such a notice is automatically valid. This has certain practical implications, as products could be notified by individuals that do not violate any legislation, based on ill-intent (for instance individuals flagging competing products) or simply because the individual does not have direct experience or expertise on the notified content. To avoid over-removal, we would therefore like to suggest including a clarification in Art. 14 similar to what is provided in Recital 22, stating that actual

	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 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. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.	(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 hosting service provider can reasonably identify, assess and where appropriate act against the allegedly illegal 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. 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. Providers of hosting services shall process any notices that they receive under the mechanisms referred to in paragraph 1, and take their decisions in respect of the information to which the notices relate, in a timely, diligent and objective manner. ~~Where they use automated means for that processing or decision-making, they shall include information on such use in the notification referred to in paragraph 4.~~ **Providers of hosting services are not obliged to process or to follow up on notices which do not include all elements referred to in paragraph 2.** **7. A hosting provider who has removed content in accordance with a notice that meets the**	knowledge or awareness is obtained "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". To achieve legal certainty, it should also be clarified that incomplete notices need not be followed-up upon. The clear list of elements in para 2 and the corresponding design of intake channels will guide notifiers sufficiently to file complete notices. Responsibility for unfounded notices should lie with the notifier. Otherwise, bad actors are invited to harm a hosting provider by creating liability through fraudulent notices.

		requirements of paragraph 2 shall not be liable towards the recipient of service for the removal. **8. A recipient of service whose content was removed or account was suspended or closed due to a notice that was submitted with an untrue statement as per paragraph 2 (d), may seek legal redress against the notice submitter for the revocation of such a notice and any damage caused.** **9.. All notices received by the provider of hosting services are subject to the relevant requirements set out in EU law and requirements in national law of the Digital Services Coordinator of establishment.**	
Article 15	1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision. 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, or the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access; (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;	1. Where a provider of hosting services decides to remove or disable access to specific items of information provided by the recipients of the service, irrespective of the means used for detecting, identifying or removing or disabling access to that information and of the reason for its decision, it shall inform the recipient, at the latest at the time of the removal or disabling of access, of the decision and provide a clear and specific statement of reasons for that decision. 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, or the disabling of access to, the information and, where relevant, the territorial scope of the disabling of access; (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;	As unfounded notices may cause damage to the uploader and thus claims against the notifier, hosting providers should be given a legal basis to disclose the identity and contact details of the notifier to the uploader. This may enable the notifier and the uploader to solve their conflict more efficiently and without further involvement of the hosting provider.

	(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 publicly accessible database managed by the Commission. That information shall not contain personal data.	(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~~ **and contain a reference to the specific facts or circumstances that led to the decision**. 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 publicly accessible database managed by the Commission. That information~~	

		~~shall not contain personal data.~~ **4. Providers of intermediary services shall, when providing a statement of reasons, not be required to disclose information that, with reasonable certainty, would result in public harm through the manipulation of content moderation procedures or the disclosure of trade secrets, in line with Directive (EU) 2016/943.** **5. At its discretion, the hosting provider may also include information on the identity of the complainant as per Article 14 paragraph 2 (c) in the statement of reason, except where the notice relates to information considered to involve one of the offences referred to in Articles 3 to 7 of Directive 2011/93/EU, and except where the notice was submitted by a trusted flagger in the meaning of Article 19.**	
Article 18	1. Recipients of the service addressed by the decisions referred to in Article 17(1), shall be entitled to select any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including complaints that could not be resolved by means of the internal complaint-handling system referred to in that Article. Online platforms shall engage, in good faith, with the body selected with a view to resolving the dispute and shall be bound by the decision taken by the body. 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. 2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that	1. Recipients of the service addressed by ~~the~~ decisions referred to in Article 17(1), shall be entitled to select **the appropriate out-of-court settlement body present in the Member State or** any out-of-court dispute that has been certified in accordance with paragraph 2 in order to resolve disputes relating to those decisions, including **consumer** complaints, limited to claims falling within the scope of the DSA, that could not be resolved by means of the internal complaint-handling system referred to in that Article **or in Article 11 of Regulation (EU) 2019/1150**. Online platforms **and the recipients of the service** 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. **Neither online platforms nor recipients of service are required to engage in dispute**	A small entry fee may help to prevent excessive use by recipients where complaints are unlikely to be in favour of the recipient. The costs related to the out-of-court dispute settlement should not involve expensive legal support or studies.

	body, certify the body, where the body has demonstrated that it meets all of the following conditions: (a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms; (b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms, allowing the body to contribute effectively to the settlement of a dispute; (c) the dispute settlement is easily accessible through electronic communication technology; (d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union; (e) the dispute settlement takes place in accordance with clear and fair rules of procedure. 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. 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	**settlement proceedings in a language different from that of the contract governing the dispute.** ~~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.~~ **Any attempt to reach a settlement through out-of-court disputes in accordance with this Article shall not affect the rights of the recipient of the service and the online platform concerned to initiate judicial proceedings at any time before, during or after the dispute resolution process.** 2. The Digital Services Coordinator of the Member State where the out-of-court dispute settlement body is established shall, at the request of that body, certify the body, where the body has demonstrated that it meets all of the following conditions: (a) it is impartial and independent of online platforms and recipients of the service provided by the online platforms; (b) it has the necessary expertise in relation to the issues arising in one or more particular areas of illegal content, or in relation to the application and enforcement of terms and conditions of one or more types of online platforms, allowing the body to contribute effectively to the settlement of a dispute; (c) the dispute settlement is easily accessible through electronic communication technology; (d) it is capable of settling dispute in a swift, efficient and cost-effective manner and in at least one official language of the Union; (e) the dispute settlement takes place in accordance with clear and fair rules of	

	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. Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, known to the recipient of the services and the online platform concerned before engaging in the dispute settlement. 4. Member States may establish out-of-court dispute settlement bodies for the purposes of paragraph 1 or support the activities of some or all out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2. Member States shall ensure that any of their activities undertaken under the first subparagraph do not affect the ability of their Digital Services Coordinators to certify the bodies concerned in accordance with paragraph 2. 5. Digital Services Coordinators shall notify to the Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph. The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated. 6. This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive.	procedure. 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. 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, **which shall not include excessive costs for legal support**, that the recipient has paid or is to pay in relation to the dispute settlement**, except the small entry fee in paragraph 4.** **4. The body ~~is entitled to~~ shall charge a small entry fee.** The fees charged by the body for the dispute settlement shall be reasonable and shall in any event not exceed the costs thereof. Certified out-of-court dispute settlement bodies shall make the fees, or the mechanisms used to determine the fees, known to the recipient of the services and the online platform concerned before engaging in the dispute settlement. ~~4.~~ **5.** Member States may establish out-of-court dispute settlement bodies for the purposes of paragraph 1 or support the activities of some or all out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2. Member States shall ensure that any of their activities undertaken under the first subparagraph do not affect the ability of their Digital Services Coordinators to certify the bodies concerned in accordance with paragraph 2. ~~5.~~ **6.** Digital Services Coordinators shall notify to the	

		Commission the out-of-court dispute settlement bodies that they have certified in accordance with paragraph 2, including where applicable the specifications referred to in the second subparagraph of that paragraph. The Commission shall publish a list of those bodies, including those specifications, on a dedicated website, and keep it updated. **7. Recipients of the service and online platforms may request the Digital Services Coordinator that certified an out-of-court dispute settlement body to revoke that certification if that body fails to meet the conditions of paragraph 2. The Digital Services Coordinator shall decide on any such request within four weeks.** ~~6~~**8**. This Article is without prejudice to Directive 2013/11/EU and alternative dispute resolution procedures and entities for consumers established under that Directive.	
Article 19	1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by trusted flaggers through the mechanisms referred to in Article 14, are processed and decided upon with priority and without delay. 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: (a) it has particular expertise and competence for the purposes of detecting, identifying and notifying illegal content; (b) it represents collective interests and is	1. Online platforms shall take the necessary technical and organisational measures to ensure that notices submitted by **competent** trusted flaggers, through the mechanisms referred to in Article 14, are processed and decided upon ~~with priority and~~ without **unreasonable** delay. 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: (a) it has particular expertise and competence for the purposes of detecting, identifying and notifying **certain types of** illegal content **in one or more Member States**;	It is imperative to ensure that the trusted flagger status is awarded to entities that have the relevant expertise and competence on a specific type of digital content or services. It is important to note the variety of content available on online platforms, for instance a trusted flagger with expertise on hate speech may not be qualified to flag counterfeit products. Trusted flagger status should be directly connected to competence over certain types of infringements. The obligation to give priority to the notice of the trusted flagger could be

	independent from any online platform; (c) it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner. 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. 4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated. 5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and supporting documents. 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 pursuant to paragraph 5, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to	(b) it represents collective interests and is independent from any online platform; ***(c) it does not represent any commercial interest;*** ~~(c)~~ **(d)** it carries out its activities for the purposes of submitting notices in a timely, diligent and objective manner**;** **(e) it is adequately equipped in terms of professional and financial resources to carry out their activities as trusted flaggers impartially; and** **(f) the competence of the trusted flagger is limited to the types of illegal content and to the Member States for which the trusted flagger has demonstrated particular expertise and competence pursuant to point (a).** 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. 4. The Commission shall publish the information referred to in paragraph 3 in a publicly available database and keep the database updated. 5. Where an online platform has information indicating that a trusted flagger submitted a significant number of insufficiently precise or inadequately substantiated notices through the mechanisms referred to in Article 14, including information gathered in connection to the processing of complaints through the internal complaint-handling systems referred to in Article 17(3), it shall communicate that information to the Digital Services Coordinator that awarded the status of trusted flagger to the entity concerned, providing the necessary explanations and	problematic as this means platforms have to stop prioritising the notices of the trusted flaggers they are working with currently. Prioritisation in relation to the type of infringement and the associated level of risk are not dealt with in the DSA, while there could be cases where a notice not coming from a trusted flagger should be treated with greater priority due to a greater level of risk. The processing of notice by trusted flaggers with priority should therefore not be an absolute obligation, priority should always be given to notices which flag the highest or most urgent risks.

	revoke the entity's status as trusted flagger 7. The Commission, after consulting the Board, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs 5 and 6.	supporting documents. **Trusted flaggers shall in addition to other liabilities under article 14(8), be liable for the damages following any intentionally or grossly negligently false notification of illegal content.** 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 pursuant to paragraph 5 ***and 5a***, that the entity no longer meets the conditions set out in paragraph 2. Before revoking that status, the Digital Services Coordinator shall afford the entity an opportunity to react to the findings of its investigation and its intention to revoke the entity's status as trusted flagger 7. The Commission, after consulting the Board, may issue guidance to assist online platforms and Digital Services Coordinators in the application of paragraphs **2b,** 5 and 6**, at the very least defining what collective interest is, what a significant number of insufficiently precise or inadequately substantiated notices and whether quality criteria should be established for trusted flaggers**.	
Article 20	1. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content. 2. Online platforms shall suspend, for a reasonable period of time and after having issued a prior warning, the processing of notices and complaints submitted through the notice and action	~~1. Online platforms shall~~ **~~may temporarily or permanently~~** ~~suspend, for a reasonable period of time and after having issued a prior warning, the provision of their services to recipients of the service that frequently provide manifestly illegal content.~~ 2. Online platforms ~~shall~~ **may temporarily or permanently** suspend, ~~for a reasonable period of time and~~ after having issued a prior warning, the	Article 20.1 does not seem to be consistent with the rest of the article that deals with abuse from notice issuers. It is also at risk of overlapping or even being incompatible with the P2B Regulation. If maintained, we would suggest removing "frequently", as it could be imperative to be able to suspend a recipient of the service

	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. 3.Online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to the online platform. Those circumstances shall include at least the following: (a) the absolute numbers of items of manifestly illegal content or manifestly unfounded notices or complaints, submitted in the past year; (b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in the past year; (c) the gravity of the misuses and its consequences; (d)the intention of the recipient, individual, entity or complainant. 4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.	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. **Notices or complaints submitted by individuals or entities during the time of their suspension are void and of no effect.** 3.Online platforms shall assess, on a case-by-case basis and in a timely, diligent and objective manner, whether a recipient, individual, entity or complainant engages in the misuse referred to in paragraphs 1 and 2, taking into account all relevant facts and circumstances apparent from the information available to the online platform. Those circumstances shall include at least the following: (a) the absolute numbers of items of manifestly illegal content or manifestly unfounded notices or complaints, ~~submitted in the past year;~~ (b) the relative proportion thereof in relation to the total number of items of information provided or notices submitted in the past year; (c) the gravity of the misuses and its consequences; (d)the intention of the recipient, individual, entity or complainant. 4. Online platforms shall set out, in a clear and detailed manner, their policy in respect of the misuse referred to in paragraphs 1 and 2 in their terms and conditions, including as regards the facts and circumstances that they take into account when assessing whether certain behaviour constitutes misuse and the duration of the suspension.	already after a first violation in case that is of a considerably grave nature.

Article 22.1	1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information: (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 Council; (c) the bank account details of the trader, where the trader is a natural person; (d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council 51 or any relevant act€ Union law; (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 that comply with the applicable rules of Union law.	1. Where an online platform allows consumers to conclude distance contracts with traders, it shall ensure that traders can only use its services to promote messages on or to offer products or services to consumers located in the Union if, prior to the use of its services, the online platform has obtained the following information: (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 Council; (c) ~~the bank account details~~ **at least one payment instrument** of the trader~~, where the trader is a natural person;~~ ~~(d) the name, address, telephone number and electronic mail address of the economic operator, within the meaning of Article 3(13) and Article 4 of Regulation (EU) 2019/1020 of the European Parliament and the Council 51 or any relevant act of Union law;~~ (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 that comply with the applicable rules of Union law.~~	Deletion of Article 22.1(f) supporting the suggested amendment by MEP Schaldemose in the draft IMCO report. It would be helpful if the wording in Article 22.1(a) would be aligned to the wording in the Directive for Administrative Cooperation (DAC7) regarding the reporting of sellers by online platforms for anti-tax fraud purposes. The reference to the economic operator in Art. 22.1(d), does not contribute to the traceability of the trader, as economic operators are connected to products rather than traders.
Article 22.2	2. The online platform shall, upon receiving that information, make reasonable efforts to assess whether the information referred to in points (a), (d)	2**. In order to verify the identity of the trader,** **t**~~T~~he online platform shall, upon receiving that information, make reasonable efforts to assess	We suggest this amendment to clarify what the obligations in this article are about i.e. the identity of

	and (e) of paragraph 1 is reliable through the use of any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.	whether the information referred to in points (a), ~~(d)~~ and (e) of paragraph 1 is reliable through the use of **any reliable and independent source.** ~~any freely accessible official online database or online interface made available by a Member States or the Union or through requests to the trader to provide supporting documents from reliable sources.~~	the trader as opposed to the compliance of products. The suggested approach is more flexible and aligned with other pieces of legislation (Anti Money Laundering Directive and DAC 7 Directive).
Article 22.4	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information.	4. The online platform shall store the information obtained pursuant to paragraph 1 and 2 in a secure manner for the duration of their contractual relationship with the trader concerned. They shall subsequently delete the information, **if no contradicting obligation for data retention exists under Regulation (EU) 2016/679**.	
Article 22.6	6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.	~~6. The online platform shall make the information referred to in points (a), (d), (e) and (f) of paragraph 1 available to the recipients of the service, in a clear, easily accessible and comprehensible manner.~~	In this article it is important to consider the wide variety of platforms that fall within the scope. Some platforms do not share all the data they collect to recipients in one go purely on the basis of safety and security: e.g. in the short-term rental sector, if the rental has not yet been booked, revealing the exact address of the short-term rental could cause some serious safety and security concerns for the short-term rental provider.
Article 23	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 out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement and the	1. In addition to the information referred to in Article 13, online platforms shall include in the reports **sent to the Digital Services Coordinator in the country of establishment** referred to in that Article information on the following: (a) the number of disputes submitted to the out-of-court dispute settlement bodies referred to in Article 18, the outcomes of the dispute settlement and the average time needed for completing the dispute	It is not proportionate to communicate the number of active recipients publicly. It should be sufficient to communicate it to the authorities as this concerns sensitive information / business secrets. Competitors and investors would likely be watching the release very closely. If needed, the Digital Service Coordinators could publish which

	average time needed for completing the dispute settlement procedures; (b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of manifestly illegal content, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints; (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. 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 may adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.	settlement procedures; (b) the number of suspensions imposed pursuant to Article 20, distinguishing between suspensions enacted for the provision of manifestly illegal content, the submission of manifestly unfounded notices and the submission of manifestly unfounded complaints; (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.~~ ~~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 may adopt implementing acts to lay down templates concerning the form, content and other details of reports pursuant to paragraph 1.~~	platform qualifies as VLOP based on the information received by the company without necessarily publishing the exact numbers of users. Moreover, users will see on the respective website if VLOP rules apply or not.

Article 25.1	1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3.	1. This Section shall apply to online platforms which provide their services to a number of average monthly active recipients of the service in the Union equal to or higher than 45 million, calculated in accordance with the methodology set out in the delegated acts referred to in paragraph 3**, or, which cannot evidence a low level of risk of the content they store based on a self-assessment. . For companies acting both as a hosting service and as a direct seller or direct provider, only the recipients using the intermediary service offered should be considered as "active recipients" and should therefore be included in the calculation for the VLOPs threshold (see recital 54).**	The definition of an "active recipient" needs to necessarily vary depending on the online business models. A differentiation must be made for websites that have a dual activity: acting in their own name as well as offering hosting services. In the case of a commercial website referencing also offers from third party sellers, only third-party sellers and their actual customers should be considered as "active users" of the intermediary services, which is different from all visitors on the website. In other sectors, 'active recipients' will necessarily be users that actually make a transaction on the platform, as revenue is strictly made in this way (and not, for example, by site views or window shopping). The sheer number of users should not be the sole factor for qualifying for steeply increased obligations. Qualitative criteria must also be taken into account. Many commercial platforms are too small to support the burden of obligations for VLOPs although they attract a very high traffic.
Article 25.3	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	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, ***shall necessarily vary according to the business***	A clarification of the definition of an "active recipient" is necessary and needs to vary depending on the online business models. A distinction must be made between mere website viewers and registered users

	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.	***model of the online platform*** 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**. Where the main functions of the online platform cannot be reasonably used without prior registration, non-registered recipients of the service shall not be considered as active. For online platforms generating revenue strictly via transactions, an "active recipient" shall be understood as those users actually transacting (i.e. making a purchase or booking) on the online platform.**	where the platform's services cannot be reasonably used without prior registration. This clarification should be explained directly in the DSA regulation itself rather than in delegated acts.
Article 35	1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data. 2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including by setting out commitments to take specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes. 3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall aim to ensure that the codes of conduct clearly set out their objectives,	1. The Commission and the Board shall encourage and facilitate the drawing up of codes of conduct at Union level to contribute to the proper application of this Regulation, taking into account in particular the specific challenges of tackling different types of illegal content and systemic risks, in accordance with Union law, in particular on competition and the protection of personal data. 2. Where significant systemic risk within the meaning of Article 26(1) emerge and concern several very large online platforms, the Commission may invite the very large online platforms concerned, other very large online platforms, other online platforms and other providers of intermediary services, as appropriate, as well as civil society organisations and other interested parties, to participate in the drawing up of codes of conduct, including ~~by setting out commitments to take~~ specific risk mitigation measures, as well as a regular reporting framework on any measures taken and their outcomes. 3. When giving effect to paragraphs 1 and 2, the Commission and the Board shall **in collaboration with the potential signatories of the Code of**	

	contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The Commission and the Board shall also aim to ensure that participants report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, as measured against the key performance indicators that they contain. 4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions. 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.	**Conduct** aim to ensure that the codes of conduct clearly set out their objectives, contain key performance indicators to measure the achievement of those objectives and take due account of the needs and interests of all interested parties, including citizens, at Union level. The ~~Commission and the Board shall also aim to ensure that~~ participants **shall** report regularly to the Commission and their respective Digital Service Coordinators of establishment on any measures taken and their outcomes, ~~as measured against the key performance indicators that they contain.~~ 4. The Commission and the Board shall assess whether the codes of conduct meet the aims specified in paragraphs 1 and 3, and shall regularly monitor and evaluate the achievement of their objectives. They shall publish their conclusions. 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.	
Article 38.3	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.	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 ensure that their Digital Services Coordinators are informed by the relevant national, local and regional authorities on the diversity of platforms sectors and issues covered by 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. **Upon request, the Commission should provide guidance to Member States to ensure a consistent approach**	A consistent approach for local, regional and national authorities to contact and feed into the work of the lead DSC of their Member State will ensure that each lead DSC can carry out its tasks having the relevant expertise to ensure the appropriate and effective application of the Regulation. It also ensures the harmonisation of the Regulation given that each Member State DSC will be informed via the same process.

		on how national, local and regional authorities should relate to their Digital Services Coordinators.	
Article 40.1	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 and IV of this Regulation.	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 ***II,*** III and IV of this Regulation.	
Article 42	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation by providers of intermediary services under their jurisdiction and shall take all the necessary measures to ensure that they are implemented in accordance with Article 41. 2. Penalties shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them. 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.	1. Member States shall lay down the rules on penalties applicable to infringements of this Regulation by providers of intermediary services under their jurisdiction and shall take all the necessary measures to ensure that they are implemented in accordance with Article 41. 2. Penalties shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendments affecting them. 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~~ **4**% of the **European** 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~~ **4**% 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.	Sanctions should be imposed and being related only to the EU market. In this regard and in order to be proportionate, the sanction should be limited to EU turnover

		5. Member States shall issue guidelines on the justification and determination of sanctions in order to create additional clarity and transparency.	
Article 49	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; (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. 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.	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; (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. 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. **3. The Board shall organise at least once a year:** **(a) a public consultation on its performance and draw up a publicly available report within 3 months after the deadline of the public**	

		consultation; **(b) a stakeholder meeting, involving at least consumer and business representatives, NGOs and academics, where it will report on its activities and discuss improvements of its work based on the public consultation;** **(c) involve the stakeholders mentioned in paragraph 3b in any drafting of European standards, guidelines, reports, templates and code of conducts and identification of emerging issues.**	
Article 74	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].	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. Any Commission Guidance necessary for providers of intermediary services or relevant public authorities to ensure compliance with this Regulation should be finalised and published no later than 6 months before the entry into application date of this Regulation.** 2. It shall apply from [date - ***twelve*** months after its entry into force].	The ranking guidelines for the implementation of the P2B Regulation where published months after the entry into force of the regulation, leading to significant legal uncertainty for businesses. Implementation within the three months foreseen in the proposal is unrealistic given the extensive nature of the requirements.