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**AK/PS**

## **Compromise amendments**

### **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**

2020/0361 (COD)

Rapporteur: Christel Schaldemose

## CA on Chapter III

### Section 4

#### Additional obligations for very large online platforms to manage systemic risks

*Compromise amendment replacing all relevant amendments, including AMs 132-141; 1526 - 1810 [ITRE, LIBE, JURI, CULT, TRAN, ECON, FEMM].*

#### Article 25 Very large online platforms

##### *Very large online platforms*

1. This Section shall apply to online platforms which:
  - (a) provide ***for at least four consecutive months*** 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. ***Such a methodology shall ensure that:***
    - i) the number of active recipients shall be based on each service individually;*
    - ii) active recipients connected on multiple devices are counted only once;*
    - iii) indirect use of service, via a third party or linking, shall not be counted;*
    - iv) where an online platform is hosted by another provider of intermediary services, that the active recipients are assigned solely to the online platform closest to the recipient.*
  - (b) ***provide their services to a number of average monthly active recipients of the service in the Union lower than 45 million, but the annual turnover of the online platform exceeds EUR 50 million within the EU, provided they pose a very high systemic risk. The assessment of a systemic risk shall be based on the following criteria:***
    - i) the role of the online platform in disseminating information, opinions and ideas and in influencing how recipients of the service obtain and communicate information online; and*
    - ii) the role, nature and volume of economic transactions on the online platform;*
    - iii) the importance of the systemic risks stemming from the functioning and use made of the services of the online platform, as defined in Article 26.*
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(a). 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. ***The Commission shall also adopt delegated acts in accordance with Article 69, after consulting the Board, to lay down a specific methodology, for the purposes of paragraph 1 (b).***
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 and to the Commission.

The Commission shall ensure that the list of designated very large online platforms is published in the Official Journal of the European Union and keep that list updated. The obligations of this Section shall apply, or cease to apply, to the very large online platforms concerned from four months after that publication.

*Compromise amendment replacing all relevant amendments, including AMs 133, 134, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597*

#### *Article 26*

##### *Risk assessment*

1. Very large online platforms shall ***effectively and diligently*** identify, analyse and assess, from the date of application referred to in the second subparagraph of Article 25(4), at least once a year thereafter, ***and in any event before launching new services, the probability and severity of*** any significant systemic risks stemming from the ***design, intrinsic characteristics***, functioning and use made of their services in the Union. ***The risk assessment shall be presented per Member State in which services are offered and in the Union as a whole.*** This risk assessment shall be specific to their services and ***activities, including technology design, value chain, business-model choices, and*** shall include the following systemic risks:
  - (a) the dissemination of illegal content through their services
  - (b) any ***actual and foreseeable*** negative effects for the exercise of ***any of*** the fundamental rights, ***in particular for consumer protection***, ~~to~~ respect for ***human dignity***, private and family life, ***the protection of personal data and the***

freedom of expression and information, the prohibition of discrimination, *the right to gender equality*, and the rights of the child, as enshrined in ~~Articles 7, 11, 21 and 24~~ of the *Charter* respectively;

- (c) *the intended use, any malfunctioning or intentional manipulation of their service, and amplification of illegal content*, including by means of inauthentic use or automated exploitation of the service, with an actual or foreseeable negative *and illegal* effect on the protection of public health, minors *and other categories of vulnerable groups of recipients of the service, democratic values, media freedom and freedom of expression, as well as journalists' ability to verify facts*,  ~~civic discourse~~, or actual or foreseeable effects related to electoral processes and public security.
  - (ca) *any foreseeable negative societal effect of technology design or business model choices in relation to systemic risks that represent threats to democracy;*
  - (cb) *any environmental impact, such as electricity and water consumption, heat production and CO2 emissions related to the provision of the service and technical infrastructure or to a change of consumer behaviour a direct environmental impact.*
2. When conducting risk assessments, very large online platforms shall take into account, in particular, *whether and* how their content moderation systems, *community standards*, recommender systems and systems for selecting, *targeting* and displaying advertisement, *as well as the underlying data collection, processing and profiling, and any terms and conditions on access to content* influence any of the systemic risks referred to in paragraph 1, including the potentially rapid and wide dissemination of illegal content and of information that is incompatible with their terms and conditions.
- 2a *When conducting risk assessments, very large online platforms shall involve representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. Their involvement shall be tailored to the specific systemic risks that the very large online platform aim to assess.*
- 2b. *The outcome of the risk assessment and supporting documents shall be communicated to the Board of Digital Services Coordinator and the Digital Services Coordinator of establishment. A summary version of the risk assessment shall be made publicly available in an easily accessible format.*
- 2c. *The obligations referred to in paragraphs 1 and 2 shall by no means lead to a general monitoring obligation.*

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In recital:

- (ca) *any potentially negative societal effects, in particular related to the increased polarisation of opinions and insufficient exposure to objective sources of information;*

*Compromise amendment replacing all relevant amendments, including AMs 135, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650*

#### *Article 27*

##### *Mitigation of risks*

1. Very large online platforms shall put in place reasonable, **transparent**, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 26. Such measures may include, where applicable:
  - (a) adapting content moderation or recommender systems **and online interfaces**, their decision-making processes, **the design**, the features or functioning of their services, **their advertising model** or their terms and conditions;
    - (a a) ensuring appropriate resources to deal with notices and complaints;**
    - (b) targeted measures aimed at limiting the display of **and targeting of** advertisements in association with the service they provide; **or the alternative placement and display of public service advertisements or other related factual information;**
    - (ba) targeted measures aimed at adapting or removing features that expose minors to illegal content;**
    - (c) reinforcing the internal processes, **testing, documentation**, 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 19;
    - (e) initiating or adjusting cooperation with other online platforms through the codes of conduct and the crisis protocols referred to in Article 35 and 37 respectively; **and**
    - (ea) targeted measures aimed at reducing the negative environmental impact, resulting from electricity and water consumption, heat production, and CO2 emissions related to the provision of the service and technical infrastructure.**
- 1a. Any measure adopted shall 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.**
- 1b. Very large online platforms shall, where appropriate, design their risk mitigation measures with the involvement of representatives of the recipients of the service, representatives of groups potentially impacted by their services, independent experts and civil society organisations. Where no such involvement is foreseen, this shall be made clear in the transparency report referred to in Article 33.**

**1c.** *The Board shall evaluate the implementation and effectiveness of mitigating measures undertaken by very large online platforms listed in Article 27(1) and where necessary, may issue recommendations. Very large online platforms shall communicate to their recipients of the service the presence and type of systemic risk identified and related adopted measures.*

**1d.** *Where a very large online platform decides not to put in place any of the mitigation measures listed in Article 27(1), it shall provide a written explanation to the Board that describes the reasons why those measures were not put in place, which shall be provided to the independent auditors for the purposes of the audit report in Article 28(3).*

*Following the written explanation of the reasons of the very large online platforms not to put in place mitigation measures, and where necessary, the Commission shall issue specific recommendations as to the mitigation measures that the very large online platform shall implement. Very large online platforms shall within one month from receiving these recommendations, implement the recommended measures, or set out any alternative measures they intend to take to address the identified risks.*

*In case of systematic failure of a very large online platform to take effective mitigating measures and in case of repeated non-compliance with the recommendations, the Commission may impose sanctions.*

**2.** The Board, in cooperation with the Commission, shall publish comprehensive reports, once a year. ***The reports of the Board shall be broken down per Member State in which the systemic risks occurred and in the Union as a whole. The report shall be published in all the official languages of the Member States of the Union. The Reports*** shall include the following:

- (a) identification and assessment of the most prominent and recurrent systemic risks reported by very large online platforms or identified through other information sources, in particular those provided in compliance with Articles 30, 31 and 33;
- (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 consultation shall*** ~~may~~ issue general guidelines on the application of paragraph 1 in relation to specific risks, in particular to present best practices and recommend possible measures, having due regard to the possible consequences of the measures on fundamental rights enshrined in the Charter of all parties involved. When preparing those guidelines the Commission shall organise public consultations.

**3a.** ***The requirement to put in place mitigation measures shall not require an obligation to impose general monitoring or active fact-finding obligations.***

*Compromise amendment replacing all relevant amendments, including AMs: 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667,*

1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686

**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:
  - (a) the obligations set out in Chapter III.
  - (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.
- 1a** *Very large online platforms shall ensure auditors have access to all relevant information to perform their duties.*
2. Audits performed pursuant to paragraph 1 shall be performed by organisations which:
  - (a) are **legally and financially** independent from, **and do not have conflicts of interest with** the very large online platform concerned **and other very large online platforms**;
  - (aa) auditors and their employees have not, prior to auditing and will not post auditing a platform, provide(d) any other service to the platform for 12 months. Natural persons performing the audits must commit not to work for the very large online platform audited or a professional organisation or business association of which the platform is a member for that same period after their position in the auditing organisation has ended;**
  - (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;
  - (ba) a declaration of interests;**
  - (c) a description of the specific elements audited, and the methodology applied;
  - (d) a description of the main findings drawn from the audit **and a summary of the main findings**;
  - (da) a description of the third parties consulted as part of the audit;**
  - (e) an audit opinion on whether the very large online platform subject to the audit **meaningfully** 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.

- (fa) *a description of specific elements that could not be audited, and an explanation of why these could not be audited;*
- (fb) *where the audit opinion could not reach a conclusion for specific elements within the scope of the audit, a statement of reasons for the failure to reach such conclusion.*
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.

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To recital on the main ideas of:

*Para 1, (aa) - Audits shall at least be performed on:*

- i. the clarity, coherence and predictable enforcement of terms of service with particular regard to the applicable fundamental rights as enshrined in the Charter;*
- ii. the completeness, methodology and consistency of the transparency reporting obligations as set out in Articles 13, 13a, 23, and 30 as well as respect for industry standards on transparency reporting;*
- iii. accuracy, predictability and clarity of the provider's follow-up for recipients of the service and notice providers to notices of manifestly illegal content and terms of service violations and the accuracy of classification (illegal or terms and conditions violation ) of removed information;*
- iv. internal and third-party complaint handling mechanisms;*
- v. interaction with trusted flaggers and independent assessment of accuracy, response times, efficiency and whether there are indications of abuse;*
- vi. diligence with regard to verification of the traceability of traders;*
- vii. the adequateness and correctness of the risk assessment as set out in Article 26;*
- viii. the adequateness and effectiveness of the measures taken according to Article 27 to address the risks identified in the risk assessments as set out in Article 26;*
- ~~vii~~ *ix. the effectiveness of and compliance with codes of conduct.*

*Audits on the subjects mentioned in points (i) to (vii) may be combined where the organisation performing the audits has subject-specific expertise on the subject matters at hand.*



## *European Social Media Council*

**1. *An independent advisory group named ‘European Social Media Council’ (the ‘Council’) is established with a view to:***

- (a) issuing non-binding guiding principles and recommendations to improve content moderation processes;***
- (b) fostering a participative and transparent public debate around content moderation processes; and***
- (c) issuing policy and enforcement recommendations to the Commission and the Board, and requesting audits from the Board, where necessary.***

**2. *Very large online platforms shall commit to take the necessary technical and organisational measures to ensure that any operational recommendations addressed to them by the Council are implemented. To this end, they shall engage with the Council in good faith.***

**3. *The status of member of the Social Media Council shall be awarded by the Commission, where the applicant has demonstrated to meet all of the following conditions:***

- (a) it represents recipients of the service, or groups potentially impacted by services;***
- (b) it has particular expertise and competence in the field of international human rights law, content moderation, algorithmic systems, media, consumer protection, disinformation, hateful speech, in areas of the risk assessments as referred to in Article 26, or other areas identified by audit reports;***
- (c) in case of natural persons, it is independent from any online platform and from commercial interest;***
- (d) in case of legal persons, it operates on a not-for-profit basis, is independent from commercial interest and has been properly constituted in accordance with the law of a Member State.***

**4. *The Commission shall revoke the membership status if it determines, following an investigation either on its own initiative or on the basis information received by third parties that the member no longer meets the conditions set out in paragraph 3. Before revoking that status, the Commission shall afford the natural or legal person an opportunity to react to the findings of its investigation and its intention to revoke the status as a member of the Council.***

**5. *The European Social Media Council shall publish in a standardised and machine-readable format, at least once a year, clear, easily comprehensible and detailed reports on its activities during the relevant period. 5. The Commission shall adopt delegated acts in accordance with Article 69, after consulting the Agency, to lay down a specific set of procedures for the functioning and financing of the Council.***

*Compromise amendment replacing all relevant amendments, including AMs 136, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708*

*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.~~
- ~~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.~~

*Article 24a*

*Recommender systems*

- 1. Online platforms shall not make the recipients of their services subject to recommender system based on profiling, unless the recipient of the service has expressed a freely given, specific, informed and unambiguous consent in accordance with the requirements established under the Regulation (EU) 2016/679. Online platforms shall ensure that the option that is not based on profiling is activated by default.*
- 2. Online platforms shall set out in their terms and conditions and on a designated web page that can be directly reached and easily found from the online platform's online interface when content is recommended, in a clear, accessible and easily comprehensible manner for the general public, the main parameters used in their recommender systems, the optimisation goal of their recommender system as well as any options for the recipients of the service to modify or influence those main parameters that they 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 of the European Parliament and of the Council. Online platforms shall also enable the recipients of the service to view, in a user-friendly manner, any profile or profiles used to curate their own content. They shall provide users with an easily accessible option to delete their profile or profiles used to curate the content the recipient sees.*
- 3. The main parameters referred to in paragraph 2 shall include, at a minimum:*
  - (a) the recommendation criteria used by the relevant system;*
  - (b) how these criteria are weighted against each other;*
  - (c) what goals the relevant system has been optimised for; and*

*(d) if applicable, an explanation of the role that the behaviour of the recipients of the service plays in how the relevant system produces its outputs.*

*The requirements set out in Paragraph 2 shall not oblige an online platform to disclose information that will lead to significant vulnerabilities, in particular trade secrets and intellectual property rights regarding the underlying algorithms.*

4. Where several options are available pursuant to paragraph 1, **online platforms** shall provide a **clear and** easily accessible function on their online interface allowing the recipient of the service to select and to modify at any time their preferred option for each of the recommender systems that determines the relative order of information presented to them.
5. **Online platforms shall inform their recipients of the service about the identity of the person responsible for the recommender system.**
6. **Online platforms shall ensure that the algorithm used by their recommender system is designed in such a way that it does not risk misleading or manipulating the recipients of the service when they use it. The parameters used in the recommender system shall always be fair and non-discriminatory.**

*Compromise amendment replacing all relevant amendments, including AMs 137, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749*

#### *Article 30*

##### *Additional online advertising transparency*

1. Very large online platforms that display advertising on their online interfaces shall compile and make publicly available **and searchable through easy to access, functional and reliable tools** through application programming interfaces a repository containing the information referred to in paragraph 2, until ~~one~~ **seven** years after the advertisement was displayed for the last time on their online interfaces. **They shall ensure multicriterion queries can be performed per advertiser and per all data points present in the advertisement, and provide aggregated data for these queries on the amount spent, the target of the advertisement, and the audience the advertiser wishes to reach.** 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 **and shall make reasonable efforts to ensure that the information is accurate and complete.**
2. The repository shall include at least all of the following information:
  - (a) the content of the advertisement, **including the name of the product, service or brand and the object of the advertisement;**

- (b) the natural or legal person on whose behalf the advertisement is displayed
- (ba) the natural or legal person who paid for the advertisement;**
- (c) the period during which the advertisement was displayed;
- (d) whether the advertisement was intended to be displayed specifically to one or more particular groups of recipients of the service and if so, the ~~all main~~ parameters used for that purpose **including any parameters used to exclude particular groups;**
- (da) where it is disclosed, a copy of the content of commercial communications published on the very large online platforms that are not marketed, sold or arranged by the very large online platform, which have through appropriate channels been declared as such to the very large online platform**
- (e) the total number of recipients of the service reached **in each country** and, where applicable, aggregate numbers for the group or groups of recipients to whom the advertisement was targeted specifically.
- (ea) whether one or more particular groups of recipients have been explicitly excluded from the advertisement target group.**
- (ea) in case of an advertisement removed on the basis of a notice submitted in accordance with Article 14 or an order as set out in Article 8, the information referred to in points (b) to (d)**
  - a. **The repository must contain a complaint and reporting option for users directly addressed to the platform and the responsible advertising service provider in line with Article 14.**
  - 2b. **The Board shall, after consulting trusted flaggers and vetted researchers, publish guidelines on the structure and organisation on repositories created pursuant to Paragraph 1.**

Compromise amendment replacing all relevant amendments, including AMs: 1750 -1791

#### 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, specified in the request, access to data **and algorithms** that are necessary to monitor and assess compliance with this Regulation. That Digital Services Coordinator and the Commission shall only **request, access and** use that data for those purposes.
  - 1a The very large online platform shall be obliged to explain the design and the functioning of the algorithms if requested by the Digital Service Coordinator of establishment.**
2. Upon a reasoned request from **at least three Digital Service Coordinators of destination**, the Digital Services Coordinator of establishment or the Commission, very large online platforms shall, within a reasonable period, as specified in the request, provide access to data to vetted researchers, **vetted not-for-profit bodies**,

*organisations or associations or vetted media organisations*, who meet the requirements in paragraphs 4 of this Article, for the sole purpose of conducting research that contributes to the identification, *mitigation* and understanding of systemic risks as set out in Article 26(1) *and Article 27(1)*.

3. Very large online platforms shall provide access to data pursuant to paragraphs 1 and 2 through online databases or application programming interfaces, as appropriate, *and with an easily accessible and user-friendly mechanism to search for multiple criteria, such as those reported in accordance with the obligations set out in Articles 13 and 23*
4. In order to be vetted, researchers shall:
  - a) be affiliated with academic institutions *or civil society organisations representing the public interest*;
  - b) be independent from commercial interests, *including any very large online platform*;
  - c) disclose the funding financing the research;
  - d) *be independent from any government, administrative or other state bodies, outside the academic institution of affiliation if public*;
  - e) have proven records of expertise in the fields related to the risks investigated or related research methodologies; and
  - f) shall commit and be in a capacity to preserve the specific data security and confidentiality requirements corresponding to each request.
- 4a *Where a very large online platform has grounds to believe that a researcher is acting outside the purpose of paragraph 2 or no longer respects the conditions of paragraph 4, it shall inform the relevant authority, either the Digital Service Coordinators of destination, the Digital Service Coordinator of establishment or the Commission, shall decide without undue delay if and when access shall be restored. The access to data shall be withdrawn during the time of the inspection*
5. The Commission shall, after consulting the Board, *and no later than one year after entry into force of this legislation*, 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 *or not-for-profit bodies, organisations or associations or media organisations* 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.
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 Service Coordinators of destinations*, the Digital Services Coordinator of establishment or the Commission, as applicable, to amend the request, where it considers that it is unable to give access to the data requested because one of following two reasons:
  - it does not have access to the data;

~~(b) giving access to the data will lead to significant vulnerabilities for the security of its service or the protection of confidential information, in particular trade secrets.~~

7. ~~Requests for amendment pursuant to point (b) of paragraph 6 shall contain proposals for one or more alternative means through which access may be provided to the requested data or other data which are appropriate and sufficient for the purpose of the request.~~

The Digital Services Coordinator of establishment or the Commission shall decide upon the request for amendment within 15 days and communicate to the very large online platform its decision and, where relevant, the amended request and the new time period to comply with the request.

- 7a** *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 or withdrawn by the Digital Service Coordinator or the Commission and the reasons for which they have been declined or withdrawn, including following a request to the Digital Service Coordinator or the Commission from a very large online platform to amend a request as referred to in paragraphs 1 and 2*

- 7 b.** *Upon completion of their research, the vetted researchers that have been granted access to data shall publish their findings without disclosing personal data.*

*Compromise amendment replacing all relevant amendments, including AMs: 1792, 1793, 1794, 1795*

#### *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 **as compliance officers**. 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, **the Board** 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 to the Digital Services Coordinator of establishment and the Commission.
- 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.

*Compromise amendment replacing all relevant amendments, including AMs: 1796, 1797, 1798, 1799, 1800, 1801 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810*

### *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 ***in a standardised, machine-readable and easily accessible format.***
  - 1.a Such reports shall include content moderation information separated and presented for each Member State in which the services are offered and for the Union as a whole. The reports shall be published in at least one of the official languages of the Member States of the Union in which services are offered.***
- 2. In addition to the reports provided for in Article 13, very large online platforms shall make publicly available, ***communicate to their recipients of the service***, 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 specific*** 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).
  - (da) aggregate numbers for the total views and view rate of content prior to a removal on the basis of orders issued in accordance with Article 8 or content moderation engaged in at the provider's own initiative and under its terms and conditions.***
- 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.

**Article 33a**  
**Algorithm accountability**

- 1. When using automated decision-making, the very large online platform shall perform an assessment of the algorithms used.**
- 2. When carrying out the assessment referred to in paragraph 1, the very large online platform shall assess the following elements:**
  - (a) the compliance with corresponding Union requirements;**
  - (b) how the algorithm is used and its impact on the provision of the service;**
  - (c) the impact on fundamental rights, including on consumer rights, as well as the social effect of the algorithms; and**
  - (d) whether the measures implemented by the very large online platform to ensure the resilience of the algorithm are appropriate with regard to the importance of the algorithm for the provision of the service and its impact on elements referred to in point (c).**
- 3. When performing its assessment, the very large online platform may seek advice from relevant national public authorities, researchers and non-governmental organisations.**
- 4. Following the assessment, referred to in paragraph 2, the very large online platform shall communicate its findings to the Commission. The Commission shall be entitled to request additional explanation on the conclusion of the findings, or when the additional information on the findings provided are not sufficient, any relevant information on the algorithm in question in relation to points a), b), c) and d) of Paragraph 2. The very large online platform shall communicate such additional information within a period of two weeks following the request of the Commission.**
- 5. Where the very large online platform finds that the algorithm used does not comply with point (a) or (d) of paragraph 2 of this Article, the provider of the very large online platform shall take appropriate and adequate corrective measures to ensure the algorithm complies with the criteria set out in paragraph 2.**
- 6. Where the Commission finds that the algorithm used by the very large online platform does not comply with point (a), (c), or (d) of paragraph 2 of this Article, on the basis of the information provided by the very large online platform, and that the very large online platform has not undertaken corrective measures as referred into Paragraph 5 of this Article, the Commission shall recommend appropriate measures laid down in this Regulation to stop the infringement.**