FRENCH REPUBLIC

EUROPEAN AFFAIRS COMMITTEE

Paris, 8 December 2021

POLITICAL OPINION

on the proposal for a European resolution pursuant to Article 73(4) of the Regulation on the Proposal for a Regulation of the European Parliament and of the Council on an internal market for digital services (Digital Services Act – DSA), COM(2020) 825 final

① The Senate European Affairs Committee,

② Having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Articles 16 and 114 thereof,

③ Having regard to the Charter of Fundamental Rights of the European Union, and in particular Articles 8, 11, 21, 22, 35, 36 and 38 thereof,

④ Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, 2000/C 364/01, and in particular Articles 10, 11 and 16 thereof, the Additional Protocol thereto, and in particular Article 3 thereof, and Protocol 12,

⑤ Having regard to the Council of Europe Convention for the Protection of Individuals with Regard to the Automatic Processing of Personal Data of 28 January 1981 and the Additional Protocol thereto of 8 November 2001 (“Convention 108+”), in particular Article 6 thereof,

⑥ Having regard to Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ("Directive on electronic commerce"),

⑦ Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, repealing Directive 95/46/EC (General Data Protection Regulation – GDPR),

⑧ Having regard to Article 6 of Law 2004-575 of 21 June 2004 on confidence in the digital economy,

⑨ Having regard to Article L. 111-7 of the Consumer Code, introduced by Article 49 of Law 2016-1321 of 7 October 2016 for a Digital Republic,

⑩ Having regard to Law 2018-1202 of 22 December 2018 on the fight against the manipulation of information,

⑪ Having regard to Law 2020-766 of 24 June 2020 aimed at combating hate content on the internet,

⑫ Having regard to Article 42 of Law 2021-1109 of 24 August 2021 reinforcing the respect of the principles of the Republic,

⑬ Having regard to the "Google France and Google" ruling of the Court of Justice of the European Union of 23 March 2010, C-236/08,

⑭ Having regard to the "L'Oréal versus eBay" ruling of the Court of Justice of the European Union of 12 July 2011, C-324/09,

⑮ Having regard to the "SABAM" ruling of the Court of Justice of the European Union of 16 February 2012, C-360/10,

⑯ Having regard to the Commission Recommendation of 1 March 2018 on measures to effectively tackle illegal content online, C(2018) 1177 final,

⑰ Having regard to the Communication from the Commission to the European Parliament, the European Economic and Social Committee and the European Committee of the Regions of

26 April 2018 entitled “Tackling online disinformation: a European approach”, COM(2018) 236 final,

⑱ Having regard to the Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions of 5 December 2018 entitled “Action Plan against Disinformation”, JOIN(2018) 36,

⑲ Having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 19 February 2020 entitled “Shaping Europe’s Digital Future”, COM(2020) 67 final,

⑳ Having regard to the Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions of 3 December 2020 on the Action Plan for European Democracy, COM(2020) 790 final,

㉑ Having regard to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 26 May 2021 entitled “European Commission Guidance to strengthen the Code of Practice on Disinformation”, COM(2021) 262 final,

㉒ Having regard to the Proposal for a Regulation of the European Parliament and of the Council on a single market for digital services (Digital Services Act) and amending Directive 2000/31/EC, COM(2020) 825 final,

㉓ Having regard to the Proposal for a Regulation of the European Parliament and of the Council on fair and competitive markets in the digital sector (Digital Markets Act), COM(2020) 842 final,

㉔ Having regard to the Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain legislative acts of the Union, COM(2021) 206 final,

㉕ Having regard to the Opinion of the European Data Protection Supervisor (EDPS) 1/2021 of 10 February 2021 on the proposed Digital Services Act,

㉖ Having regard to the European Parliament resolution of 25 October 2018 on the use of Facebook users' data by Cambridge Analytica and the consequences for data protection (2018/2855(RSP),

㉗ Having regard to the European Parliament resolution of 20 October 2020 entitled "Improving the functioning of the Single Market" (2020/2018(INL)),

㉘ Having regard to the European Parliament resolution of 20 October 2020 on adapting commercial and civil law rules for commercial entities operating online (2020/2019(INL)),

㉙ Having regard to the European Parliament resolution of 20 October 2020 on the Digital Services Act and fundamental rights issues posed (2020/2022(INI)),

㉚ Having regard to the public consultations launched by the European Commission on 2 June 2020 on the Digital Services Act package on deepening the internal market and clarifying responsibilities for digital services and on an ex ante regulatory instrument for very large online platforms with significant network effects acting as gatekeepers in the internal market,

㉛ Having regard to the European Code of Conduct on countering illegal hate speech online (2016),

㉜ Having regard to the sixth evaluation of the Code of Conduct on countering illegal hate speech online (2021),

㉝ Having regard to the European Code of Practice against Disinformation (2018),

㉞ Having regard to the evaluation of the European Code of Practice against Disinformation, SWD(2020) 180 final,

㉟ Having regard to Senate European Resolution No. 68 (1999-2000) of 5 February 2000 on the proposal for a European Parliament and Council Directive on certain legal aspects of electronic commerce in the internal market,

㊱ Having regard to Senate European Resolution No. 31 (2018-2019) of 30 November 2018 on the limited liability of providers of hosted digital services,

㊲ Having regard to Senate European Resolution No. 32 (2021-2022) of 12 November 2021 on the proposal for a regulation on digital markets (Digital Markets Act – DMA),

㊳ Having regard to Senate Information Report No. 443 (2012-2013) by Catherine MORIN-DESAILLY on behalf of the Committee on European Affairs, *The European Union, Colony of the Digital World*, submitted on 20 March 2013,

㊴ Having regard to Senate Information Report No. 696 (2013-2014) by Catherine MORIN-DESAILLY on behalf of the joint information mission on global internet governance, *Europe to the Rescue of the Internet: Democratising Internet Governance Relying Upon a European Political and Industrial Ambition*, submitted on 8 July 2014,

㊵ Having regard to Senate Information Report No. 326 (2017-2018) by André GATTOLIN and Colette MELOT on behalf of the Committee on European Affairs, *What Protection for European Consumers in the Digital Age?*, submitted on 21 February 2018,

㊶ Having regard to Senate Report No. 677 (2017-2018) by Catherine MORIN-DESAILLY on behalf of the Committee on Culture, Education and Communication on the bill aimed at combating false information, submitted on 18 July 2018,

㊷ Having regard to Senate Report No. 731 (2017-2018) by Catherine MORIN-DESAILLY, Senator, and Bruno STRUDER, Deputy, on behalf of the Joint Committee on the bill aimed at combating the manipulation of information, submitted on 26 September 2018,

㊸ Having regard to Senate Report No. 75 (2018-2019) by Catherine MORIN-DESAILLY on behalf of the Committee on Culture, Education and Communication on the bill aimed at combating false information, submitted on 24 October 2018,

㊹ Having regard to Senate Report No. 7 (2019-2020) by Gérard LONGUET on behalf of the Committee of Inquiry into Digital

Sovereignty, *The Duty of Digital Sovereignty*, submitted on 1 October 2019,

㊺ Having regard to Senate Reports No. 645 (2018-2019) and No. 299 (2019-2020) by Christophe-André FRASSA on behalf of the Committee on Constitutional Law, Legislation, Universal Suffrage, Regulation and General Administration, Culture, Education and Communication on the bill aimed at combating hate content on the internet, submitted on 11 December 2019 and 5 February 2020,

㊻ Having regard to Senate Report No. 239 (2019-2020) by Christophe-André FRASSA, Senator, and Laetitia AVIA, Deputy, on behalf of the Joint Committee on the bill aimed at combating hate content on the internet, submitted on 8 January 2020,

㊼ Having regard to Senate Report No. 454 (2010-2021) by Jacqueline EUSTACHE-BRINIO and Dominique VERIEN on behalf of the Committee on Constitutional Law, Legislation, Universal Suffrage, Regulation and General Administration on the bill to strengthen respect for the principles of the Republic, submitted on 18 March 2021,

㊽ Having regard to Senate Information Report No. 34 (2021-2022) by Florence BLATRIX CONTAT and Catherine MORIN-DESAILLY on behalf of the Committee on European Affairs, *Proposal for a Regulation on Digital Markets (DMA)*, submitted on 7 October 2021,

㊾ ***On the appropriateness of the proposed Regulation***

㊿ Whereas the digital ecosystem has undergone profound changes, since the adoption of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on commerce, in particular the key role played by providers of hosting services – within the meaning of the said Directive – in social relations, consumption patterns, access to information and public debate, and the dominance of the American digital giants;

(51) Whereas the proliferation of illegal content on the internet, online harassment and disinformation sow the seeds of social disintegration and constitute major risks for the equilibrium of our democracies;

㊷ Whereas therefore the liberal rules established by Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 to encourage the emergence of new digital players – in particular the principle of limited liability for providers of hosting services – are no longer consistent with developments in the digital ecosystem and no longer meet the security challenges of the digital environment;

㊸ Whereas the voluntary codes of conduct established at European and national levels have not proven to be effective and providers of digital services have not demonstrated their willingness to find technological and operational solutions to meet the stated objectives;

㊹ Welcomes the Commission's initiative to propose legislation on digital services aimed at strengthening the obligations of providers of intermediary services with a view to creating a safer online environment;

㊺ Considers appropriate the dual approach based, for illegal content, on strengthening practical moderation obligations, and, for illegal content and potentially harmful legal content, on strengthened due diligence obligations, in particular with regard to transparency and means;

㊻ Approves the incremental approach based on the nature and size of the providers of intermediary services concerned, and in particular consideration of the specific systemic risks posed by very large online platforms;

㊼ Approves the deterrent value of the financial penalties that may be imposed by national regulators or the Commission on operators of online services in the event of an infringement of the Regulation, including for failure to comply with their due diligence obligations (Articles 42, 59 and 60);

㊽ ***On the types of digital players involved***

㊾ Whereas there is no explicit mention of search engines in the proposal for a regulation;

㊿ Whereas the quasi-monopolistic nature of the major search engines in Europe places them in a position that locks out users' access to information and content;

61 Requests that search engines be subject to the obligations common to all intermediaries established by the Regulation, and that very large search engines, defined using the same criterion of number of users as very large platforms, be subject in addition to the obligations specific to very large platforms;

62 ***On exemptions for small enterprises***

63 Whereas imposing excessive administrative burdens on small and medium-sized enterprises and start-ups would risk hampering innovation, development and the scaling up of European digital players;

64 Whereas the exemptions provided for in the draft regulation (Articles 13(2) and 16) mainly concern transparency obligations, without undermining the conditions under which the players concerned are liable or imposing a harmonised notice and action mechanism for providers of hosting services;

65 Whereas, under the terms of the Regulation, exceeding the exemption thresholds provided for will automatically lead to compliance with the common law obligations stipulated in the Regulation;

66 Whereas there is a risk of direct and immediate harm to individual consumers from the online sale of illegal or dangerous products and services;

67 Whereas the exemption criteria are based on turnover and number of employees, which only partially reflect the real weight of these platforms in the digital ecosystem;

68 Supports the exemptions provided for small and microenterprises, with the exception, however, of the obligations relating to the sale of products and services online, in particular the traceability of traders (Article 22);

69 Recommends in all cases that an audience criterion be used to assess whether or not an online platform should be exempted from certain administrative obligations;

70 ***On the criteria used to define "very large platforms"***

71 Whereas there is a need for a robust methodology for calculating thresholds to guard against any practice aimed at

circumventing the thresholds for qualifying as a "very large platform" and triggering the related obligations and mechanisms for control;

⑫ Whereas the number of users in absolute terms is an insufficient indicator for determining the risk of creating or amplifying systemic risks;

⑬ Calls for clarification in the annex to the Regulation of the methodology for calculating the thresholds and the average monthly number of active users, in particular the basis used to determine the number of active users;

⑭ Recommends the use of certified third parties to determine the number of active beneficiaries of online platforms;

⑮ Expresses the hope that, in line with a risk-based approach, a mechanism will be introduced whereby online platforms that do not meet the thresholds laid down in Article 25 may be made subject, on a case-by-case basis, to the specific obligations laid down in Section 4 of Chapter III, based on additional criteria that take into account inter alia the audience share of these platforms in certain categories of the population, in particular based on geographical criteria;

⑯ Considers that these additional criteria should take into account, in particular, the targeting of vulnerable audiences, especially minors;

⑰ ***On the mechanisms for removing illegal content***

⑱ Whereas the Regulation retains the prohibition on subjecting providers of intermediary services to a general obligation to monitor content (Article 7);

⑲ Whereas, in accordance with the principle of limited liability for providers of hosting services, the ability to hold a provider of hosting services liable for the presence of illegal content on its services depends in practice on the ability to inform it of the presence of such illegal content;

⑳ Whereas entrusting the assessment of the illegal nature of content, in the first instance, to operators of online services that are private entities is likely to seriously undermine freedom of

expression, especially when the content in question is not manifestly illegal;

㉛ Whereas the measures to combat and protect against misuse provided for in the draft regulation (Article 20) relate exclusively to measures that may be taken by platforms against users, without taking into account the possibility of abusive moderation by the platforms themselves;

㉜ Whereas the content amplification mechanisms on online platforms create an online public space with different characteristics from public spaces in the real world;

㉝ Approves the compulsory introduction of a harmonised EU-wide notice and action mechanism for all providers of hosting services (Article 14);

㉞ Considers that for this mechanism to be truly "easy to access and use", further standardisation, particularly with regard to visibility, is necessary; in particular, the reporting mechanism should be placed in the immediate vicinity of the content being reported;

㉟ Considers that when the illegal nature of a piece of content is not obvious, online platforms should be encouraged to reduce the visibility of the content in the first instance, without however deleting it, while they check whether it is illegal;

㊱ Expresses hope that certain categories of accounts of general interest, including those of political figures, can only be closed by a court decision and not, as is currently the case, simply by a decision of the platform (Article 20);

㊲ Suggests that data relevant to assessing whether providers of intermediary services are complying with freedom of expression could be stored and made available to accredited independent researchers and auditors, and to regulators, in compliance with the protection of personal data;

㊳ ***On trusted flaggers***

㊴ Whereas providers of intermediate online services receive large numbers of notifications, and whereas the severity of the

illegality of the notified content varies, and whereas there is a need to guard against abusive notices;

⑨⓪ Whereas the fight against counterfeit goods or counterfeit media and cultural content is a major challenge;

⑨① Approves the introduction of a status of “trusted flaggers”, whose notices should be processed “with priority and without delay”;

⑨② Suggests that the criterion that “trusted flaggers” represent “collective interests” be removed, so that this status can, under the conditions laid down by the Regulation, be granted to certain large companies and certain professional associations or rights management bodies;

⑨③ ***On the transparency obligations concerning moderation and on due diligence obligations***

⑨④ Whereas the information provided by operators of online services, particularly on moderation activities, is inadequate, including in the transparency reports that they voluntarily publish under the codes of conduct to which they subscribe;

⑨⑤ Whereas moreover the performance of moderation algorithms varies and the human resources assigned by the very large platforms vary depending on the various languages, cultures and legislation of the countries the platforms are targeting;

⑨⑥ Requires that the transparency reporting published by operators of online services under Articles 13, 23 and 33 include information on the financial and human resources used to comply with the moderation and other due diligence obligations laid down in the Regulation and provide as a minimum a breakdown of the required information and data by Member State and by language;

⑨⑦ Doubts however the reliability of the transparency reports prepared by the operators themselves;

⑨⑧ Approves the obligation for very large platforms to undergo an annual independent audit;

⑨⑨ Calls for clarification of the guarantees relating to the independence of the auditors of very large platforms;

(100) ***On access to data***

(101) Whereas it is essential for regulators to have all the data necessary to monitor whether operators of online services are complying with the Regulation;

(102) Whereas moreover there is a need for an external assessment of the systemic risks posed by very large online platforms, drawing in particular on the expertise of the academic community;

(103) Approves the obligation for very large online platforms to provide national regulatory authorities or the Commission with the data necessary to monitor and assess compliance with the Regulation (Article 31(1)) and to provide access to their data to vetted researchers for the purpose of conducting research that contributes to identifying and understanding the risks posed by their services (Article 31(2));

(104) Considers that national regulators should be guaranteed powers of access to data equal to those of the Commission;

(105) Considers it essential that access to the data of very large platforms not be limited to researchers affiliated with academic institutions (Article 31(4)) but be guaranteed to any researcher, including vetted independent researchers;

(106) Opposes the ability of a very large platform to refuse access to data on the grounds of the protection of confidential information or the security of its service (Article 31(7)), unless it can be shown that the data are not necessary for the purpose of the request;

(107) Expresses hope that the delegated acts (Article 31(5)) that will lay down the technical conditions for making data available, while taking due account of the need to strike a balance in terms of the protection of personal data and trade secrets, will not result in de facto undue restrictions on access to data, in particular by imposing excessive compliance burdens on researchers;

(108) Recommends that protocols for testing algorithms using data publicly available on very large platforms be set up for use by regulatory authorities and researchers, in addition to making data available via online databases or application programming interfaces (Article 31(3));

(109) Considers it essential not to retain the restrictive nature of the list of grounds for opening up data to vetted researchers provided for in Article 26(1), so that such researchers can detect all the systemic risks likely to be posed by very large online platforms;

(110) ***On certain categories of specific risks***

(111) *On consumer protection*

(112) Whereas there are sector-specific regulations on consumer protection at both the European and national level;

(113) Whereas the proliferation of counterfeit and illegal products on online marketplaces is likely to seriously endanger the health of consumers;

(114) Whereas many providers of online services provide ancillary online sales services or redirections to commercial sites, as well as advertising services;

(115) Considers it useful to subject all online platforms that can be used to connect a customer with a professional seller and to enter into contracts for the sale of goods or services with a professional seller to specific horizontal obligations;

(116) Approves therefore the provisions concerning the traceability of sellers (Article 22);

(117) Considers that, in certain cases, in particular where they have not complied with the obligation to verify the identity of the seller, online platforms used to enter into sales contracts should be liable for damage caused by the sale of illegal products, especially when these are dangerous products;

(118) Considers that risks to consumer protection should be included in the systemic risks assessed annually by very large online platforms (Article 26);

(119) *On media pluralism*

(120) Whereas there is no definition of “media” at the European level to guarantee the quality and independence of services usually classified in this category, and certainly not of services that qualify as such;

(121) Whereas foreign entities posing as media have played a major role in the coordinated disinformation campaigns that have targeted Europe recently;

(122) Whereas the fight against online disinformation is a crucial issue for the future of European democracies;

(123) Whereas support for quality journalism and the promotion of information originating from reliable sources is an effective tool in the fight against disinformation;

(124) Whereas legislation in favour of press freedom and pluralism is a matter for national legislators;

(125) Expresses hope that risks to media pluralism will be added to the list of systemic risks that should be assessed annually by very large platforms (Article 26);

(126) Suggests that online platforms, and in particular very large platforms, be required to provide improved visibility of information of public interest originating from reliable sources, including journalistic and media sources, based on standards and criteria jointly developed with industry stakeholders;

(127) Considers it necessary to explicitly state that national legislators may adopt measures to promote media pluralism on the internet;

(128) *On the protection of children*

(129) Whereas the exposure of children to illegal, hateful or inappropriate content on the internet is particularly harmful to their development, balance and well-being;

(130) Requests that harm to children’s physical and psychological health be added to the list of systemic risks assessed annually by very large platforms (Article 26);

(131) Suggests that the assessments of other systemic risks always include a section more specifically relating to children;

(132) Considers that the protection of vulnerable groups, in particular children, should be given special consideration in the codes of conduct mentioned in Articles 35 and 36;

133 Expresses hope that very large platforms will be encouraged to work together with the relevant national and European regulatory authorities and academic bodies to establish standards for an enhanced right to be forgotten specifically for minors;

134 Requests that the standards to be established by the European Commission under Article 34 of the proposed Digital Services Act include the introduction of systems for monitoring the age of users;

135 ***On the economic model of platforms and the role of algorithms***

136 Whereas the economic model of platforms, in particular social networks, is based on the attention economy and relies on remuneration through the sale of advertising space;

137 Whereas this model, which encourages platforms to maximise by every means possible the time spent by users on their services, even to the point of jeopardising user well-being and safety, encourages the propagation of violent and divisive content, which provokes maximum user engagement;

138 Whereas the asymmetry of information between platforms and their users, particularly with regard to the operating parameters of content recommender systems and the personal data used for targeting, is at the root of users being trapped in increasingly polarised content bubbles;

139 Considers it necessary to add to the list of systemic risks that very large platforms should assess annually (Article 26) and mitigate (Article 27) those risks arising from the actual way in which recommender algorithms and advertising systems work;

140 *On algorithmic systems*

141 Approves the obligation for very large online platforms to provide users with information on the main parameters used by content recommender systems, the option to modify them and the option to deactivate them (Article 29);

142 Requests that recommender systems be deactivated by default;

143 Emphasises that this deactivation by default is particularly desirable for minors;

144 Considers that users should be clearly informed of any changes to recommender systems;

145 Considers it necessary for the artificial intelligence algorithms used by very large online platforms for the purposes of content scheduling and moderation to be made public before they are put into service and whenever they are substantially modified, so that researchers can detect the potential systemic risks involved in these algorithms work, subject to the introduction of appropriate safeguards for trade secrets;

146 Expresses hope that, as part of the audit procedure provided for in Article 28, the content scheduling and moderation algorithms of very large platforms be subject to regular audits by independent auditors, who may issue recommendations on them with which the very large platforms would have to comply, unless otherwise justified;

147 Expresses hope that artificial intelligence algorithms used by providers of digital services, and in particular by very large online platforms, will be given special attention in the drafting of future European Union legislation on artificial intelligence;

148 *On profiling and targeted advertising*

149 Whereas online advertising may pose significant risks when it concerns products or content which are themselves illegal or harmful or when it constitutes a financial incentive to publish, promote or amplify illegal or harmful content, services or activities online;

150 Whereas the targeted display of online advertisements, based on personal data, is likely to undermine the equal treatment of citizens;

151 Whereas strict application of the General Data Protection Regulation (GDPR) would make it possible to limit certain questionable practices in the field of targeted advertising, such as advertising targeting based on personal data inferred from users' interactions with certain content;

152 Very much welcomes the provisions aimed at improving the transparency of online advertising systems on platforms (Articles 24 and 30);

153 Expresses hope that, to ensure greater effectiveness, the display of information indicating the advertising nature of certain communications will be harmonised as a minimum;

154 Considers that users should have access to both the targeting parameters determined by the advertiser and the details of their personal data used for targeting;

155 Considers that the identity of the advertising funder should, where appropriate, be shown in addition to the identity of the advertiser, both in real time for each specific advertisement (Article 24) and in the transparency repositories provided for in Article 30;

156 Emphasises that the use of personal data for advertising targeting should be subject to an informed choice by the user, in accordance with the provisions of the GDPR;

157 Requests that advertising targeting be deactivated by default for all users and that targeted advertising to minors be prohibited;

158 *On the reform of the liability regime*

159 Whereas certain categories of providers of hosting services within the meaning of the above-mentioned Directive on electronic commerce, in particular online platforms, use content scheduling algorithms and whereas this has consequences for the visibility of such content;

160 Whereas the current liability regime for providers of hosting services does not take account of the active role played by them in the sharing and dissemination of online content;

161 Regrets that the Regulation does not challenge the principle of limited liability for providers of hosting services, including platforms and very large online platforms;

162 Calls again for a specific European regime of enhanced liability specifically for providers of intermediary services using content scheduling algorithms, on the basis of such use;

163 Expresses hope that ethical and fundamental rights standards be established at the European level and that these standards be respected in the development of content scheduling, moderation and targeted advertising algorithms used by providers of

intermediary services, in accordance with the legacy and safety-by-design principles;

(164) Considers that the providers of intermediary services using such algorithms should be directly liable in the event of non-compliance with these standards;

(165) ***On mechanisms for control***

(166) Whereas the country-of-origin principle is retained in the Regulation;

(167) Whereas therefore decisions concerning providers of intermediary services are ultimately the responsibility of the Digital Services Coordinator of the country of establishment of the service provider, except in the case of very large platforms, for which the Commission is empowered to intervene directly, in particular in the event that the competent Digital Services Coordinator fails to take action;

(168) Whereas there is no time limit for a decision by the competent Digital Service Coordinator to implement an enhanced monitoring procedure for a very large platform after the Committee or the Commission has recommended that it investigate a suspected infringement;

(169) Whereas the shortcomings observed in the implementation of the lead authority mechanism provided for by the GDPR have led to a non-uniform application of the Regulation in the various Member States;

(170) Whereas moreover the national supervisory authorities have varying levels of human and material resources, which implies that they are not equally diligent in enforcing the Regulation;

(171) Whereas the national digital regulatory authorities have each acquired valuable sector-specific expertise and knowledge of the ecosystem in terms of monitoring the implementation of the Regulation;

(172) Whereas there is a need to ensure the full effectiveness of the Regulation and to reduce the time taken for investigations, in particular with regard to very large platforms;

(173) Whereas the systemic risks posed by very large platforms concern the entire European Union;

(174) Considers that the Commission should in all cases be able to act as an authority of last resort for the Digital Services Coordinator of the country in which the provider of intermediary services concerned is established, to bring an infringement to an end;

(175) Considers that the Commission should, in the case of very large platforms, have a monopoly on the power of investigation and sanction, while sharing the power of initiative with the Committee;

(176) Notes however that the human resources provided within the Commission for monitoring compliance with the Regulation are inadequate, given the high degree of technical expertise required and the need to call on a variety of skills in different sectors;

(177) Calls therefore for better involvement of the national regulatory authorities of the service's countries of destination and the countries of origin in the Commission's investigations and other monitoring activities concerning compliance with the Regulation by very large platforms, in particular the monitoring of the their compliance with the commitments entered into, as far as the national territory is concerned;

(178) Considers that, in general, the role of the regulatory authorities of the countries of destination should be strengthened, in particular so that they can be questioned on points of national law by the regulatory authorities of the countries of establishment, and that they can be involved in investigations into matters affecting their territory, particularly in the area of consumption;

(179) Adds that the networks of sector-specific national regulatory authorities should also be more involved in monitoring compliance by very large platforms with the Regulation, in particular through opinions on the transparency reports and audit reports of very large platforms;

(180) ***On time frames and adaptability of the Regulation***

(181) Whereas it is urgent for the European Union, in the fight against illegal and harmful online content, to establish strict and

ambitious standards capable of both improving the safety of its own citizens and setting a benchmark at the international level;

(182) Whereas technologies and market equilibria in the digital world are changing rapidly;

(183) Expresses hope that the Digital Services Regulation be adopted as soon as possible;

(184) Strongly opposes any extension of the period of applicability of the Regulation after its entry into force;

(185) Recommends that the periods for assessing the Regulation and the functioning of the Committee be reduced from five and three years respectively to two years;

(186) Expresses hope that the various stakeholders be invited to assess from the outset, and then on a regular basis, the robustness of the Regulation, especially given the expected changes in the online environment, in particular the development of applications on virtual world platforms.