



2020/2022(INI)

8.4.2020

DRAFT OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Civil Liberties, Justice and Home Affairs

on Digital Services Act and fundamental rights issues posed
(2020/2022(INI))

Rapporteur for opinion: Adam Bielan

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SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the Commission's intention to introduce a harmonised approach addressing obligations imposed on intermediaries, in order to avoid fragmentation of the internal market; stresses that any measure related to fundamental rights should be carefully balanced and take into account the possible impact on the functioning of the internal market, and calls on the Commission to avoid the 'export' of national regulations and instead to propose the most efficient and effective solutions for the internal market as a whole;
2. States that limited liability provisions as set out in the e-Commerce Directive¹ must be maintained and strengthened in the Digital Services Act, particularly in order to protect freedom of expression and the freedom to provide services; underlines the importance of these protections to the growth of European SMEs;
3. Recognises that SMEs and large players have differing capabilities with regard to the moderation of content; warns that overburdening businesses with disproportionate new obligations could further hinder the growth of SMEs and require recourse to automatic filtering tools, which may often lead to the removal of legal content;
4. Notes the significant differences between digital services and calls for the avoidance of a one-size-fits-all approach;
5. Recalls the fact that misinformative and harmful content is not always illegal; calls, therefore, for the establishment of a well-defined notice-and-takedown process; supports an intensive dialogue between authorities and relevant stakeholders with the aim of deepening the soft law approach based on good practices such as the EU-wide Code of Practice on Disinformation, in order to further tackle misinformation;
6. Calls for the introduction of counter-notice tools to allow content owners to defend their rights adequately and in a timely manner when notified of any takedown; underlines its view that delegating the responsibility to set boundaries on freedom of speech to private companies is unacceptable and creates risks for both citizens and businesses, neither of which are qualified to take such decisions.

¹ Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce'), OJ L 178, 17.7.2000, p. 1.