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MEETING DOCUMENT

From:	European Commission Services
To:	Delegations

Subject:	Digital Services Act: Compromise suggestion prepared by the Commission services for the two co-legislators on recommender system (articles 24a and 29)
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Article 24a				
337ad		<u>Article 24a</u> <u>Recommender system</u> <u>transparency</u>		<u>Article 24a</u> <u>Recommender system</u> <u>transparency</u>
Article 24a (1)				
337ae		<u>1. Online platforms shall set out in their terms and conditions and via a designated online resource 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 the main parameters used in their recommender systems, as well as any options for the recipient of the service to modify or influence those main parameters that they have made available.</u>		<u>1. Providers of online platforms that use recommender systems shall set out in their terms and conditions, in plain and intelligible language, 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.</u>
Article 24a (2)				
337af		<u>2. The main parameters referred to in paragraph 1 shall include, at a minimum:</u> <u>(a) the main criteria used by the relevant system which individually or collectively are</u>		<u>2. The main parameters referred to in paragraph 1 shall explain why certain information is suggested to the recipient of the service. They shall include, at least:</u>

		<p><u>most significant in determining recommendations;</u></p> <p><u>(b) the relative importance of those parameters;</u></p> <p><u>(c) what objectives the relevant system has been optimised for; and</u></p> <p><u>(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.</u></p> <p><u>The requirements set out in paragraph 2 shall be without prejudice to rules on protection of trade secrets and intellectual property rights.</u></p>		<p>(a) the criteria which are most significant in determining the information suggested to the recipient of the service ;</p> <p>(b) <u>the reasons for the relative importance of those parameters.</u></p> <p>[Recital proposal to include: <u>The requirements set out in paragraph 2 shall be without prejudice to rules on protection of trade secrets and intellectual property rights.</u>]</p>
Article 24a (3)				
337ag		<p><u>3. 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.</u></p>		<p><u>3. Where several options are available pursuant to paragraph 1 for recommender systems that determine the relative order of information presented to recipients of the service, providers of online platforms shall also make directly and easily accessible from the specific section of the online platform's online interface where the information is being prioritised a functionality allowing the recipient of the service</u></p>

				<u>to select and to modify at any time their preferred option .</u>
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Article 29				
378	Article 29 Recommender systems	Article 29 Recommender systems	Article 29 Recommender systems	Article 29 Recommender systems
Article 29(1)				
379	<p>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.</p>	<p>1. <u>In addition to the requirements set out in Article 24a</u>, 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<u>provide at least one recommender system which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679</u>, as well as any options for the recipients of the service to modify or influence those main parameters that they may have made available,</p>	<p>1. Providers of 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 as defined in Article 4 (4) of Regulation (EU) 2016/679. Providers of very large online platforms shall also make this information</p>	<p><u>In addition to the requirements set out in Article 24a</u>, <u>providers of</u> very large online platforms that use recommender systems shall <u>provide at least one option for each of their recommender systems which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679.</u></p> <p>[Consider keeping: Providers of very large online platforms shall also make this information directly and easily accessible on the specific section of the online interface where the information is being prioritised according to the recommender system.]</p>

		<p><i>including at least one option which is not based on profiling, within the meaning of Article 4 (4) of Regulation (EU) 2016/679</i></p> <p><u>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.</u></p>	<p>directly and easily accessible on the specific section of the online interface where the information is being prioritised according to the recommender system.</p>	
Article 29(2)				
380	<p>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.</p>	<p>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.</p>	<p>2. Where several options are available pursuant to paragraph 1, providers of very large online platforms shall provide an a directly and easily accessible functionality on their online interface where the information is prioritised, 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.</p>	

Article 29(3)				
380a			3. When presenting options pursuant to this Article, providers of very large online platforms shall not seek to subvert or impair the autonomy, decision-making, or choice of the recipient of the service through the design, structure, function or manner of operating of their online interface.	<i>[adapt to the conclusions of the discussions on Art 13a EP]</i>