Digital Services Act: ARTICLE 19 proposed amendment to Article 29
Recommender systems

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ARTICLE 19's concerns about Article 29

Proposed Article 29 of the draft Digital Services Act (DSA) sets out obligations for very large online platforms (VLOPs) that use recommender systems. Recommender systems shape what end users see on the platform. However, platforms provide very little information on the systems they use, and how they work in practice. This lack of information is alarming because it means that the influence these systems have over users' access to different types of content, and their potential to promote certain types of problematic content to certain users, or to hide entirely legitimate content or conversations cannot be properly examined. In addition, platforms bundle the provision of recommender systems to the provision of hosting services, locking in end users, who are left with no alternatives.

ARTICLE 19 is concerned that draft Article 29 of the proposed DSA does not go far enough in tackling these problems and sets an unacceptably low bar for platforms on transparency and information diversity. Instead, we propose two amendments: first, the current provisions in Article 29 should apply to all platforms regulated under the DSA, and not only VLOPs. Second, Article 29 should impose VLPOs to unbundle hosting and content curation, and to provide access to third party recommender systems. This obligation would open the market of recommender systems to competitors and decentralise the control over what end users see and access on platforms and why. It will also provide end users with greater choice about the systems they want to use.

Proposed amendments

Current version	Proposed amendments
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.	The requirements under paragraphs 1 and 2 should be expanded to all platforms, not only VLOPs. Therefore, we suggest to have an article dedicated to recommender systems also in Section 1, which could read as follows (see also para 2 below): *1.* ~~Very large online platforms~~ ***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.	*2. ~~Where several options are available pursuant to paragraph 1, very large online platforms~~ **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**. The option not based on profiling should be set as the default option.***
	We suggest a new version of Article 29 that, building on the provisions sub 1 and 2 above, imposes the following additional obligations on VLOPs: **1. Very large online platforms that use recommender systems shall offer recipients of the service the possibility to choose recommender systems from third party providers where available. Very large online platforms shall offer to such third parties fair and non-discriminatory access to the same operating system, hardware or software features that are available or used in the provision by the platform of its own recommender systems, as well as access to performance and engagement metrics.**
	2. Very large online platforms may only limit access to third-party recommender systems temporarily, to the extent strictly necessary to address technical problems. Such limitations shall be notified within 24 hours to affected third parties and to the Board. The Board may require such limitations to be removed or modified where it decides by majority vote they are unnecessary or disproportionate.

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