

**From:** Berfin Eken  
**Sent:** Mon, 25 Oct 2021 10:02:32 +0200  
**To:** I Registrator  
**Subject:** VB: Uppdatering  
**Categories:** LF

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**Från:** Sara Ovreby <[sovreby@google.com](mailto:sovreby@google.com)>  
**Skickat:** den 25 oktober 2021 08:44  
**Till:** Berfin Eken <[berfin.eken@regeringskansliet.se](mailto:berfin.eken@regeringskansliet.se)>  
**Ämne:** Re: Uppdatering

Hej Berfin,

Mina barn har blivit sjuka - skulle vi kunna skjuta på vårt möte till senare i veckan?

Tills vi lyckas ses ville jag bara ge vår input på ett par saker som diskuteras i rådet i snabb hastighet.

Vi uppskattar slovenska ordförandeskapets fokus på att få en tydlig och rättssäker text och nedan har vi utvecklat våra förslag för hur detta ytterligare kan förbättras.

Sara

Positiva förändringar:

- **Recital 35 - Limited Liability Regime:** The clarification that the limited liability regime is independent of whether or not the online intermediary service complies with the due diligence obligations. :
- **Article 18 - Out-of-Court dispute settlement:** The introduction of additional safeguards to the out-of-court dispute settlement mechanism, such as the requirement for bad faith actors to contribute to fees associated to use of the mechanism, the possibility for both parties to appeal decisions of out-of-court dispute settlement bodies before courts, the right to refuse to participate in out-of-court dispute settlement where the “same content” has already been addressed or is under review by a different out-of-court dispute settlement body and the non-binding nature of the out-of-court dispute settlement decisions. We consider those safeguards to go the right direction in addressing some of the [concerns](#) the out-of-court dispute settlement mechanism, as proposed by the Commission, raises.
- **Article 29 - Recommender systems:** The text continues to endorse an “opt-out” approach.

Behov av ytterligare förtydligande:

- **Article 29 (2) - Recommender systems:** The text has not been altered much here and our concerns remain. We support efforts to give users more information and control around recommender systems, so long as any requirements are flexible, so that they can be

tailored to the particular service and protect against bad actors gaming our systems. However, we believe that a location of such feature should be left at the discretion of the platform, as creating such obligations can interfere with the business service and the relationship with the users. Instead, we advocate for a flexible approach that focuses requirements for recommender systems on clarity, transparency and user control principles.

Amendments suggestion:

Article 29 (2): Where several options are available pursuant to paragraph 1, **providers of** very large online platforms shall provide a **directly and** an easily accessible functionality **on their online interface where the information is recommended/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.

- **Recital 42 - “Restrictions of visibility” as content moderation decisions to which statements of reasons, internal appeals and out-of-court dispute settlement obligations apply:** The new text takes an expansive view of the kinds of content moderation decisions that should be subject to transparency and user redress requirements. These are not limited to content removals and disabling or restricting access to content, but also include “any restrictions” of visibility of content. While undoubtedly well-intentioned, this provision could lead to users being unnecessarily bombarded with an untold number of notifications, and to intermediary services being unable to manage the scale of transparency and user redress requirements in practice. The basic operation of many modern online services involves constant updating of content and features optimised for users - which is part of services’ fundamental freedom to conduct a business. When it comes to recommendations and ranking systems, we use such a wide range of signals that the language as written would jeopardize our ability to operate those systems in a way that benefits users—including when it comes to our efforts to limit amplification of potentially harmful misinformation. We want the DSA to be able to succeed at scale and, to do so, would recommend removing ‘restrictions of visibility’ from the list of actions for which notification and user redress is widely available. You can find more information on how YouTube operates its recommendation system [here](#).

Amendment suggestion:

**Recital 42 (...) Restriction of visibility may consist in demotion in ranking or in recommender systems, as well as in limiting accessibility by one or more recipients of the service or blocking the user from an online community without the user knowing it , including (‘shadow banning’).**

On Thu, 21 Oct 2021, 08:37 Sara Ovreby, <[sovreby@google.com](mailto:sovreby@google.com)> wrote:

Hej,

Ja det funkar ska vi säga 14.00? Det blir jag och min kollega Milan.

Sara

On Tue, 19 Oct 2021, 18:30 Berfin Eken, <[berfin.eken@regeringskansliet.se](mailto:berfin.eken@regeringskansliet.se)> wrote:

Hej,

Okej! Ja f.m. den 26:e fungerar fint. Föreslå gärna en tid som passar dig, vi är flexibla. Fungerar Skype så kan jag skicka en Skype-länk?

Med vänliga hälsningar,

**Berfin Eken**

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**Från:** Sara Övreby <[sovreby@google.com](mailto:sovreby@google.com)>

**Skickat:** den 19 oktober 2021 18:25

**Till:** Berfin Eken <[berfin.eken@regeringskansliet.se](mailto:berfin.eken@regeringskansliet.se)>

**Ämne:** Re: Uppdatering

Hej Berfin,

tack för snabbt svar - ja och vilka specifika artiklar vi ser är avgörande för att uppnå detta.

Låt oss sikta på den 26 - då är min kollega tillbaka också. Funkar förmiddagen?

Sara

Sara Övreby  
Samhällspolitisk chef, Google Sverige  
+46 705-37 33 39

On Mon, 18 Oct 2021 at 10:25, Berfin Eken <[berfin.eken@regeringskansliet.se](mailto:berfin.eken@regeringskansliet.se)> wrote:

Hej Sara,

Ja absolut det låter som en bra idé att höras digitalt. Hur ser det ut för dig/er den 25:e eller 26:e oktober? Från oss kan ev. även Helene Engellau delta, om jag förstår dig rätt att ni skulle vilja diskutera övergripande frågor om yttrandefrihet och ett öppet internet inom DSA?

Med vänliga hälsningar,

**Berfin Eken**

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**Från:** Sara Ovreby <[sovreby@google.com](mailto:sovreby@google.com)>

**Skickat:** den 15 oktober 2021 14:59

**Till:** Berfin Eken <[berfin.eken@regeringskansliet.se](mailto:berfin.eken@regeringskansliet.se)>

**Ämne:** Uppdatering

Hej Berfin,

Arbetet i rådet fortskrider snabbt och om jag inte missförstått så hoppas man nå en gemensam position i november!

Vi arbetar hårt på att säkerställa ett förslag som fortsatt möjliggör yttrandefrihet och ett öppet internet.

Vi skulle gärna vilja träffas digitalt för att berätta lite mer hur vi tänker kring detta och vilka förändringar som behöver tillkomma för att säkra detta.

Har du möjlighet att ta ett möte nu i oktober?

Tack på förhand!

Sara