



2016/0148(COD)

16.1.2017

AMENDMENTS

198 - 535

Draft report

Olga Sehnalová

(PE594.014v02-00)

Cooperation between national authorities responsible for the enforcement of consumer protection laws (Text with EEA relevance)

Proposal for a regulation

(COM(2016)0283 – C8-0194/2016 – 2016/0148(COD))

Amendment 198
Notis Marias

Draft legislative resolution
Citation 3 a (new)

Draft legislative resolution

Amendment

- *having regard to the Protocol (No 1) of the Treaty on the Functioning of the European Union on the role of national parliaments in the European Union,*

Or. el

Amendment 199
Notis Marias

Draft legislative resolution
Citation 3 b (new)

Draft legislative resolution

Amendment

- *having regard to Protocol (No 2) of the Treaty on the Functioning of the European Union (TFEU) on the application of the principles of subsidiarity and proportionality,*

Or. el

Amendment 200
Notis Marias

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) The resulting ineffective enforcement of cross-border infringements, in particular in the digital environment, enables traders to evade enforcement by relocating within the Union, giving rise to a distortion of competition for *law-abiding* traders operating either domestically or

(3) The resulting ineffective enforcement of cross-border infringements, in particular in the digital environment, enables traders to evade enforcement by relocating within the Union, giving rise to a distortion of competition for traders operating either domestically or cross-

cross-border, and thus directly harming consumers and undermining consumer confidence in cross-border transactions and the Single Market. An increased level of harmonisation setting effective and efficient enforcement cooperation among competent public enforcement authorities is therefore necessary to detect, investigate and order the cessation of intra-Union infringements and widespread infringements,

border, and thus directly harming consumers and undermining consumer confidence in cross-border transactions and the Single Market. An increased level of harmonisation setting effective and efficient enforcement cooperation among competent public enforcement authorities is therefore necessary to detect, investigate and order the cessation of intra-Union infringements and widespread infringements,

Or. el

Amendment 201
Notis Marias

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Consumers should also be protected from short-lived intra-Union infringements and widespread infringements that only last for a short period of time but whose harmful effects may continue long after the infringement has stopped. Competent authorities should have the necessary powers to investigate and order a cessation of such infringements in the future,

Amendment

(5) Consumers should also be protected from short-lived intra-Union infringements and widespread infringements that only last for a short period of time but whose harmful effects may continue long after the infringement has stopped. Competent authorities should have the necessary powers to investigate and order a cessation of such infringements in the future, ***so as to ensure consumer protection,***

Or. el

Amendment 202
Richard Sulík, Vicky Ford

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) This Regulation grants competent

authorities the powers they may need in order to comply with the objective of consumer protection cooperation. Member States should remain free to determine the most adequate distribution of powers among national competent authorities. Therefore, this Regulation should be interpreted as meaning that not every competent authority has to have all of the powers listed in this Regulation, provided that every power can be used effectively to address any infringement. Member States may decide, in accordance with the provisions of this Regulation, to assign certain tasks under this Regulation to designated bodies. However, Member States should not be under any obligation to involve designated bodies in the application of this Regulation,

Or. en

Amendment 203
Andreas Schwab

Proposal for a regulation
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Decisions on the allocation of investigative and enforcement powers to authorities or other bodies will be taken by Member States. The differing legal cultures and administrative traditions of Member States must be taken into account. Furthermore, not every authority on which investigative and enforcement powers are conferred should be required to exercise all minimum powers provided for by this Regulation.

Or. de

Amendment 204
Richard Sulík, Vicky Ford

Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) The exercise of powers by the competent authorities in application of this Regulation should be proportionate to, and should adequately reflect, the nature and actual or potential harm of the infringement concerned. Competent authorities should take into account all facts and circumstances of the case and choose the most appropriate measures which are essential to address the infringement. Those measures should be proportionate and effective,

Or. en

Amendment 205
Richard Sulík, Vicky Ford

Proposal for a regulation
Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) The exercise of powers by the competent authorities in application of this Regulation should be in accordance with other applicable Union and national legislation, in particular with applicable procedural safeguards and principles of fundamental rights. Where, for instance, in accordance with national law prior authorisation to enter premises of natural and legal persons is needed from the judicial authority of the Member State concerned, the power to enter such premises should be used only after such prior authorization has been obtained,

Amendment 206
Notis Marias

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Competent authorities should have access to all necessary evidence, data and information to determine whether an intra-Union infringement or widespread infringement has occurred, and in particular to identify the trader responsible, irrespective of who possesses this evidence, information or data, of where it is located and of its format. Competent authorities should be able to directly request that third parties in the digital value chain provide all the evidence, data and information necessary,

Amendment

(10) Competent authorities should have access to all necessary evidence, data and information to determine whether an intra-Union infringement or widespread infringement has occurred, and in particular to identify the trader responsible, irrespective of who possesses this evidence, information or data, of where it is located and of its format. Competent authorities should be able to directly request that third parties in the digital value chain provide all the evidence, data and information necessary, ***while consistently respecting the principles of personal data protection,***

Or. el

Amendment 207
Lara Comi, Elisabetta Gardini

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) When conducting investigations, competent authorities must safeguard professional and business confidentiality, in line with Directive (EU) 2016/943 on the protection of know-how against any threats posed by national provisions,

Or. it

Amendment 208

Richard Sulík

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling goods or services conceals its identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it, *including, where necessary, the suspension of a website, domain or a similar digital site, service or account. Furthermore, the competent authorities should have the power to take down or have a third party service provider take down a website, domain or a similar digital site, service or account,*

Amendment

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling goods or services conceals its identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it,

Or. en

Amendment 209

Kaja Kallas, Dita Charanzová, Julia Reda

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling goods or services conceals its identity or relocates within the Union or to a third

Amendment

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling goods or services conceals its identity or relocates within the Union or to a third

country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it, including, where necessary, *the suspension of a website, domain or a similar digital site, service or account*. Furthermore, the competent authorities should have the power to *take down or have a third party service provider take down a website, domain or a similar digital site, service or account*,

country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it, including, where necessary, *requiring hosting service providers to remove content or to suspend a website, service or account, or requiring a domain registry or registrar to put a fully qualified domain name on hold for a specific period of time*. Furthermore, the competent authorities should have the power to *order a hosting service provider to remove content or to close down a website, service or account or a part of it, or to order a registry or registrar to delete a fully qualified domain name*. However, *measures to remove content may not only be harmful to freedom of speech and information, but may also be ineffective, as in the fast-moving digital environment content reappears as quickly as it is removed. Therefore measures taken to restrict the online distribution, or otherwise making available, of content to the public should always be in line with the Charter of Fundamental Rights, should be limited to what is necessary and proportionate and should be executed on the basis of a prior judicial authorisation*,

Or. en

Amendment 210

Julia Reda, Catherine Bearder, Dita Charanzová

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling

Amendment

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling

goods or services conceals its identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should *to* be able to adopt interim measures to prevent such harm or reduce it, including, where necessary, *the suspension of* a website, domain *or a similar digital site, service or account*. Furthermore, the competent authorities should have the power to *take down or have a third party service provider take* down a website, domain *or a similar digital site, service or account*,

goods or services conceals its identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures, *where there are no other means available* to prevent *or mitigate* such harm or reduce it, including, where necessary, *requiring hosting service providers to remove content or to suspend* a website, *service or account, or requiring a domain registry or registrar to put a fully qualified domain name on hold for a specific period of time*. Furthermore, the competent authorities should have the power to *order a hosting service provider to remove content or to close* down a website, *service or account or a part of it, or to order a registry or registrar to delete a fully qualified domain name and allow the competent authority concerned to register it*,

Or. en

Amendment 211
Vicky Ford

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling goods or services conceals its identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it, including, where

Amendment

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling goods or services conceals its identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it, including, where

necessary, the suspension of a website, domain or a similar digital site, service or account. Furthermore, the competent authorities should have the power to take down or have a third party service provider take down a website, domain or a similar digital site, service or account,

necessary, the suspension of a website, domain or a similar digital site, service or account. ***Actions such as the suspension of a website, domain or a similar digital site, service or account will only be permitted within a clear legal framework under national law and with full respect for freedom of speech and freedom of expression.*** Furthermore, the competent authorities should ***only*** have the power to take down or have a third party service provider take down a website, domain or a similar digital site, service or account,

Or. en

Amendment 212

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling goods or services conceals its identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it, including, where necessary, the suspension of a website, domain or a similar digital site, service or account. ***Furthermore***, the competent authorities should have the power to take down or have a third party service provider take down a website, domain or a similar digital site, service or account,

Amendment

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling goods or services conceals its identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it, including, where necessary, the suspension of a website, domain or a similar digital site, service or account. ***In such a case***, the competent authorities should ***also*** have the power to take down or have a third party service provider take down a website, domain or a similar digital site, service or account,

Or. en

Amendment 213

Notis Marias

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In the digital environment in particular, the competent authorities should be able to **stop** infringements quickly and effectively, notably where the trader selling goods or services conceals its identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it, including, where necessary, the suspension of a website, domain or a similar digital site, service or account. Furthermore, the competent authorities should have the power to take down or have a third party service provider take down a website, domain or a similar digital site, service or account,

Amendment

(12) In the digital environment in particular, the competent authorities should be able to **prevent** infringements quickly and effectively, notably where the trader selling goods or services conceals his identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures to prevent such harm or reduce it, including, where necessary, the suspension of a website, domain or a similar digital site, service or account. Furthermore, the competent authorities should have the power to take down or have a third party service provider take down a website, domain or a similar digital site, service or account,

Or. el

Amendment 214

Julia Reda, Catherine Bearder, Dita Charanzová, Kaja Kallas

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) The goal of this Regulation is to effectively bring about the cessation of infringements and to prevent and compensate harm to consumers. Therefore, all enforcement measures should aim to address the source of the

infringements rather than a presentation layer, and the measures targeting a domain name should only be used as a last resort in cases where the removal of content has been unsuccessful,

Or. en

Amendment 215

Lara Comi, Elisabetta Gardini

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from those infringements, the rules on penalties which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to intra-Union infringements and widespread infringements. ***For those same reasons, consumers should be entitled to redress for harm caused by such infringements.***

Amendment

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from those infringements, the rules on penalties which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to intra-Union infringements and widespread infringements.

Or. it

Amendment 216

Carlos Coelho

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from those infringements, the

Amendment

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rules on penalties which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to intra-Union infringements and widespread infringements. ***For those same reasons, consumers should be entitled to redress for harm caused by such infringements.***

rules on penalties which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to intra-Union infringements and widespread infringements.

Or. pt

Amendment 217

Richard Sulík, Vicky Ford

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from those infringements, the rules on penalties which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to intra-Union infringements and widespread infringements. ***For those same reasons, consumers should be entitled to redress for harm caused by such infringements.***

Amendment

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from those infringements, the rules on penalties which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to intra-Union infringements and widespread infringements, ***and competent authorities should always take into account the overall harm resulting from the infringement in all Member States affected,***

Or. en

Amendment 218

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from those infringements, the rules on **penalties** which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to intra-Union infringements and widespread infringements. For those same reasons, consumers should be entitled to redress for harm caused by such infringements.

Amendment

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from those infringements, the rules on **sanctions** which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to intra-Union infringements and widespread infringements. For those same reasons, consumers should be entitled to redress for harm caused by such infringements,

Or. en

Amendment 219

Notis Marias

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from those infringements, the rules on penalties which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to intra-Union infringements and widespread infringements. For those same reasons, consumers should be entitled to redress for harm caused by such infringements.

Amendment

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from those infringements, the rules on penalties which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be **observed and** applied to intra-Union infringements and widespread infringements. For those same reasons, consumers should be entitled to redress for harm caused by such infringements.

Or. el

Amendment 220

Carlos Coelho

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Consumers should be entitled under this Regulation and the national laws of Member States to redress for harm caused by intra-Union infringements.

Or. pt

Amendment 221
Lara Comi, Elisabetta Gardini

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) As regards consumer redress, the competent authorities should choose proportionate, just and reasonable measures that would prevent or reduce the risk of recurrence or repetition of infringements, taking into account in particular the anticipated benefits to consumers and the reasonable administrative costs likely to be associated with the implementation of those measures. Where the consumers concerned cannot be identified, the competent authority may order that the restitution of profits obtained through the infringement be paid to the public purse or to a beneficiary designated by the competent authority or under national legislation,

deleted

Or. it

Amendment 222
Richard Sulík

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) As regards consumer redress, the competent authorities should choose proportionate, just and reasonable measures that would prevent or reduce the risk of recurrence or repetition of infringements, taking into account in particular the anticipated benefits to consumers and the reasonable administrative costs likely to be associated with the implementation of those measures. Where the consumers concerned cannot be identified or where they cannot be identified without disproportionate cost to the trader responsible, the competent authority may order that the restitution of profits obtained through the infringement be paid to the public purse or to a beneficiary designated by the competent authority or under national legislation,

deleted

Or. en

Amendment 223
Carlos Coelho

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) As regards consumer redress, the competent authorities should choose proportionate, just and reasonable measures that would prevent or reduce the risk of recurrence or repetition of infringements, taking into account in particular the anticipated benefits to consumers and the reasonable administrative costs likely to be associated

(14) As regards consumer redress, the competent authorities should choose proportionate, just and reasonable measures that would prevent or reduce the risk of recurrence or repetition of infringements, taking into account in particular the anticipated benefits to consumers and the reasonable administrative costs likely to be associated

with the implementation of those measures.
Where the consumers concerned cannot be identified or where they cannot be identified without disproportionate cost to the trader responsible, the competent authority may order that the restitution of profits obtained through the infringement be paid to the public purse or to a beneficiary designated by the competent authority or under national legislation,

with the implementation of those measures.

Or. pt

Amendment 224
Vicky Ford

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) As regards consumer redress, the competent authorities should choose proportionate, just and reasonable measures that would prevent or reduce the risk of recurrence or repetition of infringements, taking into account in particular the anticipated benefits to consumers and the reasonable administrative costs likely to be associated with the implementation of those measures. Where the consumers concerned cannot be identified or where they cannot be identified without disproportionate cost to the trader responsible, the competent authority may order that the restitution of profits obtained through the infringement be paid to *the public purse or to* a beneficiary designated by the competent authority or under national legislation,

Amendment

(14) As regards consumer redress, the competent authorities should choose proportionate, just and reasonable measures that would prevent or reduce the risk of recurrence or repetition of infringements, taking into account in particular the anticipated benefits to consumers and the reasonable administrative costs likely to be associated with the implementation of those measures. *The power to order redress for consumers is of particular importance as it gives authorities the ability to act quickly on infringements, including those of a digital nature.* Where the consumers concerned cannot be identified or where they cannot be identified without disproportionate cost to the trader responsible, the competent authority may order that the restitution of profits obtained through the infringement be paid to a beneficiary designated by the *national* competent authority or *authorities designated* under national legislation,

Justification

It is important to have safeguards in place involving national authorities. National authorities must be part of the process dealing with the restitution of profits.

Amendment 225
João Pimenta Lopes

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided in a timely manner and the necessary enforcement measures should be adopted in a timely manner. ***The Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, by means of implementing measures,***

Amendment

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided in a timely manner and the necessary enforcement measures should be adopted in a timely manner.

Amendment 226
Eva Paunova

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided in a timely manner and the necessary enforcement measures should be adopted in a timely manner. ***The***

Amendment

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided in a timely manner and the necessary enforcement measures should be

Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, by means of implementing measures,

adopted in a timely manner,

Or. en

Amendment 227

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided *in a timely manner* and the necessary enforcement measures should be adopted in a timely manner. *The Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, by means of implementing measures,*

Amendment

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided *within the period laid down by this Regulation* and the necessary enforcement measures should be adopted in a timely manner,

Or. en

Amendment 228

Nicola Danti

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The effectiveness and efficacy of the mutual assistance mechanism should be

Amendment

(15) The effectiveness and efficacy of the mutual assistance mechanism should be

improved. Information requested should be provided in a timely manner and the necessary enforcement measures should be adopted in a timely manner. The Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, by means of implementing measures,

improved. Information requested should be provided in a timely manner and the necessary enforcement measures should be adopted in a timely manner. The Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, ***which should include the rights of the interested parties and traders to be heard***, by means of implementing measures,

Or. en

Amendment 229

Lara Comi, Elisabetta Gardini

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided in a timely manner and the necessary enforcement measures should be adopted in a timely manner. The Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, by means of implementing measures,

Amendment

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided in a timely manner and the necessary enforcement measures should be adopted in a timely manner. The Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, ***including operators' right to be heard***, by means of implementing measures,

Or. it

Amendment 230

Notis Marias

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided in a timely manner and the necessary enforcement measures should be adopted in a timely manner. The Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, by means of implementing measures,

Amendment

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved ***immediately***. Information requested should be provided in a timely manner and the necessary enforcement measures should be adopted in a timely manner. The Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, by means of implementing measures,

Or. el

Amendment 231

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) In the context of widespread infringements and widespread infringement with a Union dimension, the rights of defence of the traders concerned should be respected. This requires, in particular, giving the trader the right to be heard and to use the language of its choice during the proceedings,

Amendment

(20) In the context of widespread infringements and widespread infringement with a Union dimension, the rights of defence of the traders concerned should be respected. ***While*** this requires, in particular, giving the trader the right to be heard and to use the language of its choice during the proceedings, ***it is also essential to ensure compliance with Union legislation on the protection of undisclosed know-how and business information,***

Or. en

Amendment 232
Notis Marias

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) In the context of widespread infringements and widespread infringement with a Union dimension, the rights of defence of the traders concerned **should** be respected. This requires, in particular, giving the trader the right to be heard and to use the language of its choice during the proceedings,

Amendment

(20) In the context of widespread infringements and widespread infringement with a Union dimension, the rights of defence of the traders concerned **must** be respected.
This requires, in particular, giving the trader the right to be heard and to use the language of its choice during the proceedings,

Or. el

Amendment 233
Notis Marias

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) If a trader responsible for the widespread infringement or the widespread infringement with a Union dimension fails to cease the infringement voluntarily, the competent authorities of the Member States concerned should designate one competent authority in a Member State to take the enforcement action adapted to **preserve** the rights of consumers residing in the other Member States concerned by the infringement. That competent authority should be designated, taking into account its capacity to take effective action against the trader, for instance where the trader is established in the Member State of that authority. The designated competent authority should act as if the consumers of the other Member States were its own

Amendment

(21) If a trader responsible for the widespread infringement or the widespread infringement with a Union dimension fails to cease the infringement voluntarily, the competent authorities of the Member States concerned should designate one competent authority in a Member State to take the enforcement action adapted to **protect** the rights of consumers residing in the other Member States concerned by the infringement. That competent authority should be designated, taking into account its capacity to take effective action against the trader, for instance where the trader is established in the Member State of that authority. The designated competent authority should act as if the consumers of the other Member States were its own

consumers. Where necessary, to avoid extraterritorial application of the law, several or all the Member States concerned by the infringement should be allowed to adopt enforcement measures at the same time to protect their own consumers or consumers residing in other Member States. This may be needed, for instance, to stop infringements of a similar nature by subsidiaries of a company, established in more than one Member State, which affect the consumers of those Member States only, without an apparent cross-border element (parallel infringements),

consumers. Where necessary, to avoid extraterritorial application of the law, several or all the Member States concerned by the infringement should be allowed to adopt enforcement measures at the same time to protect their own consumers or consumers residing in other Member States. This may be needed, for instance, to stop infringements of a similar nature by subsidiaries of a company, established in more than one Member State, which affect the consumers of those Member States only, without an apparent cross-border element (parallel infringements),

Or. el

Amendment 234
Notis Marias

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) The surveillance mechanism and alert mechanism should be ***strengthened*** to ensure the timely and effective detection of widespread infringements. The information which should be exchanged and the follow up required following an exchange of information should be clarified in order to ensure that alerts that require action are duly acted upon and addressed. The Commission should coordinate the functioning of the surveillance mechanism,

Amendment

(22) The surveillance mechanism and alert mechanism should be ***improved immediately*** to ensure the timely and effective detection of widespread infringements. The information which should be exchanged and the follow up required following an exchange of information should be clarified in order to ensure that alerts that require action are duly acted upon and addressed. The Commission should coordinate the functioning of the surveillance mechanism,

Or. el

Amendment 235
Richard Sulík

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Consumer organisations play ***an essential*** role in informing consumers about their rights and educating them and protecting their interests, including the settlement of disputes. ***Consumers should be encouraged to cooperate with the competent authorities to strengthen the application of this Regulation.*** Consumer organisations, ***in particular consumer organisations that may be delegated enforcement tasks under this Regulation*** and European Consumer Centres, should be in a position to notify competent authorities of suspected infringements and share information needed to detect, investigate and stop ***intra-Union infringements and widespread infringements with them,***

Amendment

(23) Consumer organisations play ***a*** role in informing consumers about their rights and educating them and protecting their interests, including the settlement of disputes. Consumer organisations and European Consumer Centres should be in a position to notify competent authorities of suspected infringements and share ***with them*** information needed to detect, investigate and stop infringements,

Or. en

Amendment 236

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Consumer organisations play an essential role in informing consumers about their rights and educating them and protecting their interests, including the settlement of disputes. Consumers should be encouraged to cooperate with the competent authorities to strengthen the application of this Regulation. Consumer organisations, in particular consumer organisations that may be delegated enforcement tasks under this Regulation and European Consumer Centres, ***should be in a position to*** notify competent

Amendment

(23) Consumer organisations play an essential role in informing consumers about their rights and educating them and protecting their interests, including the settlement of disputes. Consumers should be encouraged to cooperate with the competent authorities to strengthen the application of this Regulation. Consumer organisations, in particular consumer organisations that may be delegated enforcement tasks under this Regulation and European Consumer Centres, ***could*** notify competent authorities of suspected

authorities of suspected infringements and share information needed to detect, investigate and stop intra-Union infringements and widespread infringements with them,

infringements and share information needed to detect, investigate and stop intra-Union infringements and widespread infringements with them,

Or. en

Amendment 237

Richard Sulík

Proposal for a regulation

Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Trader associations play a role in informing traders about the rights of consumers and have an interest in supporting the good reputation of traders. Trader associations should be in a position to notify competent authorities of suspected infringements and share with them information needed to detect, investigate and stop infringements, to give their opinion about investigations or infringements and to notify competent authorities of abuse of laws that protect consumers' interests,

Or. en

Amendment 238

Richard Sulík, Vicky Ford

Proposal for a regulation

Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) Trader associations should be allowed to participate in the alert mechanism provided for by this Regulation,

Amendment 239

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Philippe Juvin

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to ensure uniform conditions for the implementation and exercise of the minimum powers of competent authorities, ***set time limits*** and set out ***other*** details of procedures to address intra-Union infringements, widespread infringements and details of the surveillance mechanism and administrative cooperation among competent authorities, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶⁰,

⁶⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2. 2011, p. 13-18).

Amendment

(27) In order to ensure uniform conditions for the implementation and exercise of the minimum powers of competent authorities, and set out ***the necessary*** details of procedures ***intended, in accordance with this Regulation,*** to address intra-Union infringements, widespread infringements and details of the surveillance mechanism and administrative cooperation among competent authorities, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶⁰,

⁶⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2. 2011, p. 13).

Amendment 240

Julia Reda, Catherine Bearder

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) The examination procedure should be used for the adoption of *the* acts pursuant to Articles **10, 11, 12, 13**, 15, 20, 27, **31**, 32, 34, 35, **36, 37, 39**, 43 and 46 of this Regulation given that those acts are of general scope,

Amendment

(28) The examination procedure should be used for the adoption of acts pursuant to Articles **11, 12**, 15, 20, 27, 32, 34, 35, 43 and 46 of this Regulation, given that those acts are of general scope,

Or. en

Amendment 241

Vicky Ford

Proposal for a regulation

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) This Regulation should be subject to applicable laws and codes of practice concerning data protection, including Regulation (EU) 2016/679 of the European Parliament and of the Council^{1a} (the General Data Protection Regulation) and any other relevant national legislation,

^{1a} 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, and repealing Directive 95/46/EC (General Data Protection Regulation)(OJ L 119, 4.5.2016, p. 1).

Or. en

Amendment 242

Lara Comi, Elisabetta Gardini

Proposal for a regulation
Recital 31

Text proposed by the Commission

Amendment

(31) For the calculation of compensation for harm to the collective interests of consumers, the rules of Union sectoral for passengers such as Regulation (EC) No 261/2004 of the European Parliament and of the Council⁶¹, Regulation (EC) No 1371/2007 of the European Parliament and of the Council⁶², Regulation (EU) No 1177/2010 of the European Parliament and of the Council⁶³ and Regulation (EU) No 181/2011 of the European Parliament and of the Council⁶⁴ should apply. Where the sectoral Union legislation does not cover compensation for the harm caused by intra-Union or widespread infringements, the compensation should be established based on applicable national law,

deleted

⁶¹Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights (OJ L 46, 17.2.2004, p. 1).

⁶² Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on railway passenger rights and obligations (OJ L 315, 3.12.2007, p. 14).

⁶³ Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway (OJ L 334, 17.12.2010, p. 1).

⁶⁴ Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 on the rights of passengers in bus and coach transport

and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

Or. it

Amendment 243

Julia Reda, Catherine Bearder

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union⁶⁷. Accordingly this Regulation should be interpreted and applied with respect to those rights and principles. When exercising the minimum powers set out in this Regulation, the competent authorities should strike an appropriate balance between the interests protected by fundamental rights such as a high level of consumer protection, the freedom to conduct business and freedom of information.

⁶⁷ OJ C 364, 18.12.2000, p. 1.

Amendment

(35) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union⁶⁷. Accordingly this Regulation should be interpreted and applied with respect to those rights and principles. When exercising the minimum powers set out in this Regulation, the competent authorities should strike an appropriate balance between the interests protected by fundamental rights such as a high level of consumer protection, the freedom to conduct business, *freedom of expression* and freedom of information,

⁶⁷ OJ C 364, 18.12.2000, p. 1.

Or. en

Amendment 244

Notis Marias

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) This Regulation respects fundamental rights and observes the

Amendment

(35) This Regulation respects fundamental rights and observes the

principles recognised in particular by the Charter of Fundamental Rights of the European Union⁶⁷. Accordingly this Regulation *should* be interpreted and applied with respect to those rights and principles. When exercising the minimum powers set out in this Regulation, the competent authorities should strike an appropriate balance between the interests protected by fundamental rights such as a high level of consumer protection, the freedom to conduct business and freedom of information.

⁶⁷ OJ C 364, 18.12.2000, p. 1.

principles recognised in particular by the Charter of Fundamental Rights of the European Union⁶⁷. Accordingly this Regulation *must* be interpreted and applied with respect to those rights and principles. When exercising the minimum powers set out in this Regulation, the competent authorities should strike an appropriate balance between the interests protected by fundamental rights such as a high level of consumer protection, the freedom to conduct business and freedom of information.

⁶⁷ OJ C 364, 18.12.2000, p. 1.

Or. el

Amendment 245
João Pimenta Lopes

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

This Regulation lays down the conditions under which the competent authorities in the Member States designated as responsible for the enforcement of the laws that protect consumers' interests cooperate with each other and with the Commission in order to ensure compliance with those laws *and the smooth functioning of the internal market* and in order to enhance the protection of consumers' *economic* interests.

Amendment

This Regulation lays down the conditions under which the competent authorities in the Member States designated as responsible for the enforcement of the laws that protect consumers' interests cooperate with each other and with the Commission in order to ensure compliance with those laws and in order to enhance the protection of consumers' interests.

Or. pt

Amendment 246
Maria Grapini

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

(1) This Regulation applies to intra-Union infringements and widespread infringements defined in points (b) and (c) of Article 3.

Amendment

(1) This Regulation applies to **widespread** intra-Union infringements and widespread infringements defined in points (b) and (c) of Article 3.

Or. ro

Amendment 247
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec

Proposal for a regulation
Article 2 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Regulation shall be without prejudice to private compensation claims and actions for the enforcement thereof under national law.

Or. en

Amendment 248
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation
Article 2 – paragraph 4

Text proposed by the Commission

Amendment

4. This Regulation shall be without prejudice to the application in the Member States of measures relating to judicial cooperation in criminal and civil matters, in particular the operation of the European Judicial Network.

4. This Regulation shall be without prejudice to the application in the Member States of measures relating to judicial cooperation in criminal and civil matters, in particular the operation of the European Judicial Network, **and to the application of legal instruments regarding judicial cooperation in criminal matters.**

Amendment 249

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 2 – paragraph 6

Text proposed by the Commission

6. This Regulation shall be without prejudice to the role and powers of competent authorities and European Banking Authority under Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts.

Amendment

6. This Regulation shall be without prejudice to the role and powers of competent authorities and European Banking Authority under Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts. ***Chapter III of this Regulation shall not apply to intra-Union infringements of the two Directives referred to in the first subparagraph.***

Amendment 250

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 2 – paragraph 7

Text proposed by the Commission

7. ***Chapter III of this Regulation shall not apply to intra-Union infringements of the following legislation:***

(a) Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements

Amendment

deleted

for consumers relating to residential immovable property

(b) Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features.

Or. en

Amendment 251
Julia Reda

Proposal for a regulation
Article 2 – paragraph 8

Text proposed by the Commission

8. This Regulation shall be without prejudice to Directive 2009/22/EC of the European Parliament and of the Council⁶⁸.

⁶⁸ Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests (OJ L 110, 1.5.2009, p. 30).

Amendment

8. This Regulation shall be without prejudice to Directive 2009/22/EC of the European Parliament and of the Council⁶⁸ *and to compensatory collective redress actions taken by bodies other than competent authorities.*

⁶⁸ Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests (OJ L 110, 1.5.2009, p. 30).

Or. en

Amendment 252
Julia Reda, Dita Charanzová, Kaja Kallas

Proposal for a regulation
Article 2 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. This Regulation respects

fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

Or. en

Amendment 253
Maria Grapini

Proposal for a regulation
Article 3 – paragraph 1 – point c – introductory part

Text proposed by the Commission

(c) 'widespread infringement' means:

Amendment

(c) 'widespread *intra-Union* infringement' means:

Or. ro

Amendment 254
Richard Sulík

Proposal for a regulation
Article 3 – paragraph 1 – point c – point 2

Text proposed by the Commission

(2) any acts or omissions contrary to the laws that protect consumers interests that have common features, such as the same unlawful practice, the same interest being infringed *or* that are occurring concurrently, in at least *two* Member States;

Amendment

(2) any acts or omissions contrary to the *Union* laws that protect consumers' interests that *harmed, harm, or are likely to harm the collective interests of consumers and* have common features, such as the same unlawful practice *or* the same interest being infringed, *and* that are occurring concurrently, *committed by the same trader or his or her agents or distributors*, in at least *three* Member States;

Or. en

Amendment 255
Catherine Bearder

Proposal for a regulation
Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) 'widespread infringement with a Union dimension' means a widespread infringement that harmed, harms or is likely to harm consumers' collective interests in at least two thirds of the Member States accounting together for at least three quarters of the population of the Union;

Or. en

Amendment 256
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) 'widespread infringement with a Union dimension' means a widespread infringement that harmed, harms or is likely to harm consumer's collective interests in a majority of Member States accounting together for at least a majority of the population of the Union.

Or. en

Amendment 257
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec

Proposal for a regulation
Article 3 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) 'designated body' means a body that a Member State can designate and which has a legitimate interest in the cessation or prohibition of infringements of Union laws that protect consumers' interests;

Or. en

Amendment 258

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 3 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) 'consumer' means any natural person who is acting for purposes which are outside his trade, business, craft or profession;

Or. en

Amendment 259

Carlos Coelho

Proposal for a regulation

Article 3 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) 'consumer' means any natural person who is acting for purposes which are outside that person's trade, business, craft, or profession;

Or. pt

Amendment 260

Maria Grapini

Proposal for a regulation
Article 3 – paragraph 1 – point i

Text proposed by the Commission

(i) ‘harm to collective interests of consumers’ means actual or potential harm to the interests of ***a number of*** consumers that are concerned by intra-Union infringements or widespread infringements; and that shall be presumed in particular where the infringement potentially; or actually harmed, harms or is likely to harm ***a significant number of*** consumers in a similar situation.

Amendment

(i) ‘harm to collective interests of consumers’ means actual or potential harm to the interests of ***multiple*** consumers that are concerned by intra-Union infringements or widespread infringements, and that shall be presumed in particular where the infringement potentially or actually harmed, harms or is likely to harm ***other*** consumers in a similar situation.

Or. ro

Amendment 261
Carlos Coelho

Proposal for a regulation
Article 3 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) 'risk of serious and irreparable harm to consumers' means the risk of a situation likely to cause serious damage which can no longer be remedied;

Or. en

Amendment 262
Carlos Coelho

Proposal for a regulation
Article 3 – paragraph 1 – point i b (new)

Text proposed by the Commission

Amendment

(ib) 'sweep' means a concerted investigation of consumer markets;

Amendment 263
Richard Sulík

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. The competent authorities may investigate infringements referred to in Article 2 and prohibit traders from engaging in such infringements in the future. The competent authorities may impose penalties for those infringements within five years from the cessation of the infringement.

deleted

Amendment 264
Julia Reda

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

1. The competent authorities may investigate infringements referred to in Article 2 and prohibit traders from engaging in such infringements in the future. The competent authorities may impose penalties for those infringements within five years from the cessation of the infringement.

1. The competent authorities may investigate infringements referred to in Article 2 and prohibit traders from engaging in such infringements in the future. The competent authorities may use the following powers within five years from the cessation of the infringement:
(a) to impose sanctions, as provided for in point (m) of Article 8(2);
(b) to order the trader responsible to compensate consumers that have suffered harm as a consequence of the infringement, as provided for in point (n) of Article 8(2); and
(c) to order the restitution of profits obtained as a result of infringements, as

provided for in point (o) of Article 8(2).

Or. en

Amendment 265

Vicky Ford

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. The competent authorities may investigate infringements referred to in Article 2 and prohibit traders from engaging in such infringements in the future. The competent authorities may impose penalties for those infringements within five years from the cessation of the infringement.

Amendment

1. The competent authorities may investigate infringements referred to in Article 2 and prohibit traders from engaging in such infringements in the future. The competent authorities may impose penalties for those infringements within five years, ***where appropriate***, from the cessation of the infringement.
Enforcers may where necessary impose penalties based upon evidence that is more than five years old.

Or. en

Justification

In some Member States the limitation period for the exercise of powers is longer than five years. Consumers should be able to avail of the same high level of protection as currently exists in their Member States.

Amendment 266

Carlos Coelho

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. The competent authorities may investigate infringements referred to in Article 2 and prohibit traders from engaging in such infringements in the future. ***The competent authorities may***

Amendment

1. The competent authorities may investigate infringements referred to in Article 2 and prohibit traders from engaging in such infringements in the

impose penalties for those infringements within five years from the cessation of the infringement.

future.

Or. pt

Amendment 267
Jiří Pospíšil

Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The competent authorities may investigate infringements referred to in Article 2 and prohibit traders from engaging in such infringements in the future. The competent authorities may impose penalties for those infringements within *five years from the cessation of the infringement*.

Amendment

1. The competent authorities may investigate infringements referred to in Article 2 and prohibit traders from engaging in such infringements in the future. The competent authorities may impose penalties for those infringements within *a time limit laid down by national provisions*.

Or. cs

Amendment 268
Carlos Coelho

Proposal for a regulation
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The competent authorities may exercise the following powers within five years from the cessation of the infringement:

(a) to impose penalties, as provided for in Article 8(2)(m);

(b) to order the trader responsible to compensate consumers that have suffered harm as a consequence of the infringement, as provided for in

Article 8(2)(n); and

(c) to order the restitution of profits obtained as a result of infringements, as provided for in Article 8(2)(o).

Or. pt

Amendment 269

Richard Sulík

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. The limitation period for the imposition of penalties shall begin to run on the day on which the infringement ceased.

Amendment

deleted

Or. en

Amendment 270

Julia Reda

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. The limitation period for *the imposition of penalties* shall begin to run on the day on which the infringement ceased.

Amendment

2. The limitation period for *exercising the powers referred to in paragraph 1* shall begin to run on the day on which the infringement ceased.

Or. en

Amendment 271

Carlos Coelho

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. The limitation period for the ***imposition of penalties*** shall begin ***to run*** on the day on which the infringement ceased.

Amendment

2. The limitation period for the ***exercise of the powers referred to in paragraph 1*** shall begin on the day on which the infringement ceased.

Or. pt

Amendment 272

Lara Comi, Elisabetta Gardini

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. The limitation period for the imposition of penalties shall begin to run on the day on which the infringement ***ceased***.

Amendment

2. The limitation period for the imposition of penalties shall begin to run on the day on which the infringement ***was committed***.

Or. it

Amendment 273

Richard Sulík

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. ***Any action taken by the competent authority for the purpose of the investigation or enforcement proceedings in respect of the infringement shall suspend the limitation period for the imposition of penalties until the final decision concerning the matter is adopted. The limitation period for the imposition of penalties shall be suspended for as long as the decision, order or other action of the competent authority is the subject of***

Amendment

deleted

proceedings pending before a court.

Or. en

Amendment 274
Julia Reda

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Any action taken by the competent authority for the purpose of the investigation or enforcement proceedings in respect of the infringement shall suspend the limitation period for *the imposition of penalties* until the final decision concerning the matter is adopted. The limitation period for *the imposition of penalties* shall be suspended for as long as the decision, order or other action of the competent authority is the subject of proceedings pending before a court.

Amendment

3. Any action taken by the competent authority for the purpose of the investigation or enforcement proceedings in respect of the infringement shall suspend the limitation period for *exercising the powers referred to in paragraph 1* until the final decision concerning the matter is adopted. The limitation period for *exercising the powers referred to in paragraph 1* shall be suspended for as long as the decision, order or other action of the competent authority is the subject of proceedings pending before a court.

Or. en

Amendment 275
Richard Sulík

Proposal for a regulation
Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Competent authorities shall notify each other and the Commission of the limitation periods in place under national law in their jurisdiction applicable to the taking of enforcement measures pursuant to Article 8(2).

Or. en

Justification

This text should replace Article 4 (including paragraphs 4(1), 4(2), and 4(3) as in COM proposal).

Amendment 276

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 5 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that competent authorities and single liaison offices have the adequate resources necessary for the application of this Regulation *and for the effective use of their powers pursuant to Article 8*, including sufficient budgetary and other resources, expertise, procedures and other arrangements.

Amendment

5. Member States shall ensure that competent authorities and single liaison offices have the adequate resources necessary for the application of this Regulation, including sufficient budgetary and other resources, expertise, procedures and other arrangements.

Or. en

Amendment 277

Julia Reda

Proposal for a regulation

Article 5 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that competent authorities and single liaison offices have the *adequate resources necessary* for the application of this Regulation and for the effective use of their powers pursuant to Article 8, including *sufficient* budgetary and other resources, expertise, procedures and other arrangements.

Amendment

5. Member States shall ensure that competent authorities and single liaison offices have the *necessary and sufficient resources* for the application of this Regulation and for the effective use of their powers pursuant to Article 8, including budgetary and other resources, expertise, procedures and other arrangements.

Or. en

Amendment 278

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Each Member State may ***designate bodies having a legitimate interest in the cessation or prohibition of infringements*** ("designated bodies") to gather the necessary information and to take the necessary enforcement measures available to them under national law on behalf of a requested competent authority.

Amendment

4. Each Member State may ***impose an obligation on*** designated bodies to gather the necessary information and to take the necessary enforcement measures available to them under national law on behalf of a requested competent authority.

Or. en

Amendment 279

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure cooperation between the competent authorities and designated bodies, in particular to ensure that infringements referred to in Article 2 are brought to the attention of competent authorities without delay.

Amendment

5. Member States shall ensure cooperation between the competent authorities and designated bodies, in particular to ensure that infringements referred to in Article 2(1) are brought to the attention of competent authorities without delay.

Or. en

Amendment 280

Maria Grapini

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

(1) Each Member State shall communicate without delay to the Commission and *the other Member States the identities of the competent authorities, of the single liaison office, of the designated bodies as set out in Article 13 and of the entities participating in the alert mechanism as set out in Article 34, as well as any changes thereto.*

(1) Each Member State shall communicate without delay to the Commission, and *the Commission shall immediately convey the information to the Member States.*

Or. ro

Amendment 281

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

**Proposal for a regulation
Article 8 – title**

Text proposed by the Commission

Amendment

Minimum powers of competent authorities

Powers of competent authorities

Or. en

Amendment 282

Andreas Schwab

**Proposal for a regulation
Article 8 – paragraph 1**

Text proposed by the Commission

Amendment

(1) Each competent authority shall have the investigation and enforcement powers necessary for the application of this Regulation and shall exercise them in accordance with this Regulation and national law.

(1) Each competent authority shall have the investigation and enforcement powers necessary for the application of this Regulation and shall exercise them in accordance with this Regulation and national law. *The granting of investigative and enforcement powers to all competent authorities shall remain a matter reserved for Member States.*

Amendment 283
Richard Sulík, Vicky Ford

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Each competent authority shall have the investigation and enforcement powers necessary for the application of this Regulation and shall exercise them in accordance with this Regulation and national law.

Amendment

1. Each competent authority shall have the investigation and enforcement powers necessary for the application of this Regulation and shall exercise them in accordance with this Regulation and national law. ***Member States shall remain free to determine the most adequate distribution of powers among national authorities.***

Or. en

Amendment 284
Julia Reda

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Each competent authority shall have the investigation and enforcement powers necessary for the application of this Regulation and shall exercise them in accordance with this Regulation and national law.

Amendment

1. Each competent authority shall have the investigation and enforcement powers ***and resources*** necessary for the application of this Regulation and shall exercise them in accordance with this Regulation and national law.

Or. en

Amendment 285
Carlos Coelho

Proposal for a regulation

Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. *Each* competent *authority* shall have *at least* the following powers and exercise them under the conditions set out in Article 9, to:

Amendment

2. *In order to carry out the duties assigned to them by this Regulation, the competent authorities of each Member State* shall have the following powers and *shall* exercise them under the conditions set out in Article 9, to:

Or. pt

Amendment 286 Julia Reda

Proposal for a regulation Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) require the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of *among others* identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Amendment

(b) require, *in accordance with Union rules on data protection*, the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites *when the information, data or document in question is relevant for the investigation*;

Or. en

Amendment 287 Nicola Danti

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) require the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of among others identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Amendment

(b) require the supply by any natural or legal person, including banks, **payment service providers**, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of among others identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Or. en

Amendment 288

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) require the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of among others identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Amendment

(b) **subject to paragraph 2a**, require the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of among others identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Or. en

Amendment 289
Andreas Schwab

Proposal for a regulation
Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) require the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of among others identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Amendment

(b) **subject to paragraph 2a**, require the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of among others identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Or. en

Amendment 290
Kaja Kallas, Dita Charanzová

Proposal for a regulation
Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) require the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in **any** format or form **and** irrespective of the medium **on which** or the place **where they are stored**, for the purpose of among others identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial

Amendment

(b) require the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in **the** format or form **in which it is stored**, irrespective of the medium or the place **of storage**, for the purpose of among others identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data

and data flows, bank account information and ownership of websites;

flows, bank account information and ownership of websites;

Or. en

Justification

The competent authority should not have the power to request the supply of information in any format, but only in the format which it is stored in. The trader should not be obliged to change the format of the information before submitting it to the competent authority.

Amendment 291

Julia Reda

Proposal for a regulation

Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) require any public authority, body or agency within the Member State of the competent authority to supply any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose ***among others***, of identifying and following ***of*** financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Amendment

(c) require any public authority, body or agency within the Member State of the competent authority to supply any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites, ***when the information, data or document in question is relevant for the investigation***;

Or. en

Amendment 292

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) require any public authority, body

Amendment

(c) ***without prejudice to limitations set***

or agency within the Member State of the competent authority to supply any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose among others, of identifying and following of financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

out by national law, require any public authority, body or agency within the Member State of the competent authority to supply any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose among others, of identifying and following of financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Or. en

Amendment 293

Carlos Coelho

Proposal for a regulation

Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) require any public authority, body or agency within the Member State of the competent authority to supply any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose among others, of identifying and following of financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Amendment

(c) require any public authority, body or agency within the Member State of the competent authority, ***through the single liaison office***, to supply any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose, among others, of identifying and following of financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

Or. pt

Amendment 294

Anna Maria Corazza Bildt

Proposal for a regulation

Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) carry out the necessary on-site inspections, ***including in particular the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;***

Amendment

(d) carry out the necessary on-site inspections ***of business*** premises or means of transport, or request other authorities to do so;

Or. en

Justification

The proposed on-site inspection is too far-reaching. The power in the current regulation is sufficient. The proposed power would require the involvement of police and criminal procedures and would only be used when the infringement constitutes a criminal offense. It is thus not necessarily an appropriate and proportionate power for ensuring consumer protection.

Amendment 295

Carlos Coelho

Proposal for a regulation

Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) carry out the necessary on-site inspections, including in particular the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or

Amendment

(d) carry out the necessary on-site inspections, including in particular the power to enter any premises, land or means of transport ***that the trader uses for purposes related to his trade, business, craft, or profession,*** or to request other

documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

Or. pt

Amendment 296

Richard Sulík, Vicky Ford

Proposal for a regulation

Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) carry out the necessary on-site inspections, including *in particular* the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

Amendment

(d) carry out the necessary on-site inspections, including, *in accordance with any requirements under national law to obtain prior judicial authority authorisation*, the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

Or. en

Amendment 297

Kaja Kallas, Dita Charanzová

Proposal for a regulation

Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) carry out the necessary on-site inspections, including in particular the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

Amendment

(d) carry out, ***on the basis of a prior judicial authorisation***, the necessary on-site inspections, including in particular the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers ;

Or. en

Amendment 298

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) carry out the necessary on-site inspections, including in particular the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent

Amendment

(d) ***subject to paragraphs 2a and 2b***, carry out the necessary on-site inspections, including in particular the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a

necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

Or. en

Amendment 299
Andreas Schwab

Proposal for a regulation
Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) carry out the necessary on-site inspections, including in particular the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

Amendment

(d) ***subject to paragraph 2a***, carry out the necessary on-site inspections, including in particular the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

Or. en

Amendment 300
Maria Grapini

Proposal for a regulation
Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) carry out the necessary on-site inspections, including in particular the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

Amendment

(d) carry out the necessary on-site inspections, including in particular the power to enter, ***in well-founded circumstances***, any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents relating to the subject matter of the inspection and to record the answers;

Or. ro

Amendment 301

Carlos Coelho

Proposal for a regulation

Article 8 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) require the trader concerned to give explanations or supply facts, information, or documents relating to the subject matter of the inspection and to record the answers given by that representative or staff member;

Or. pt

Amendment 302

Julia Reda

Proposal for a regulation

Article 8 – paragraph 2 – point e

Text proposed by the Commission

(e) purchase goods or services as test purchases in order to detect infringements under this Regulation and obtain evidence;

Amendment

(e) purchase, ***inspect and reverse engineer*** goods or services as test purchases in order to detect infringements under this Regulation and obtain evidence;

Or. en

Amendment 303

Richard Sulík, Vicky Ford

Proposal for a regulation

Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) adopt interim measures to prevent the risk of serious and irreparable harm to ***consumers, in particular the suspension of a website, domain or a similar digital site, service or account;***

Amendment

(g) adopt interim measures to prevent the risk of serious and irreparable harm to ***collective interests of consumers;***

Or. en

Amendment 304

Kaja Kallas, Julia Reda, Dita Charanzová

Proposal for a regulation

Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) adopt interim measures to prevent the risk of serious and irreparable harm to consumers, in particular ***the suspension of a website, domain or a similar digital site, service or account;***

Amendment

(g) adopt interim measures to prevent the risk of serious and irreparable harm to consumers, in particular ***requiring hosting service providers to remove content or to suspend a website, service or account, or requiring domain registries and registrars to put a fully qualified domain name on hold for a limited period of time, provided that any measure taken to restrict the online distribution, or otherwise making available, of content to the public is in***

line with the Charter of Fundamental Rights, is limited to what is necessary and proportionate and is executed on the basis of a prior judicial authorisation;

Or. en

Amendment 305
Julia Reda, Dita Charanzová

Proposal for a regulation
Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) adopt interim measures to prevent the risk of serious and irreparable harm to consumers, in particular *the suspension of a website, domain or a similar digital site, service or account;*

Amendment

(g) adopt interim measures, *where there are no other means available and to the extent necessary*, to prevent the risk of serious and irreparable harm to consumers, in particular *requesting hosting service providers to suspend a website, service or account, or requesting domain registries and registrars to put a fully qualified domain name on hold for no longer than 48 hours, unless a court orders an extension of time;*

Or. en

Amendment 306
Jiří Pospíšil

Proposal for a regulation
Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) adopt interim measures to prevent the risk of serious and irreparable harm to consumers, *in particular the suspension of a website, domain or a similar digital site, service or account;*

Amendment

(g) adopt interim measures to prevent the risk of serious and irreparable harm to consumers;

Or. cs

Amendment 307

Anna Maria Corazza Bildt

Proposal for a regulation

Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) adopt interim measures to prevent the risk of serious and irreparable harm to consumers, ***in particular the suspension of a website, domain or a similar digital site, service or account;***

Amendment

(g) adopt interim measures to prevent the risk of serious and irreparable harm to consumers, ***for example by restricting or limiting access to a website or its parts or to a digital site, service or account when all other options have been exhausted;***

Or. en

Justification

Restricting access to websites and disabling, removing or changing digital content are not necessarily proportionate to the purpose of ensuring a high level of consumer protection. In fact, powers to restrict/block access to websites as well as disable digital content can be a restriction of fundamental rights such as the freedom of speech and the freedom of trade. The CPC-regulation should respect the different approaches in Member States when it comes to imposing these types of far-reaching powers.

Amendment 308

Carlos Coelho, Ildikó Gáll-Pelcz, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 – point g

Text proposed by the Commission

(g) adopt interim measures to prevent the risk of serious and irreparable harm to consumers, in particular the suspension of a website, domain or a similar digital site, service or account;

Amendment

(g) adopt interim measures to prevent the risk of serious and irreparable harm to ***the collective interests of*** consumers, in particular the suspension of a website, domain or a similar digital site, service or account;

Or. en

Amendment 309
Andreas Schwab

Proposal for a regulation
Article 8 – paragraph 2 – point h

Text proposed by the Commission

(h) start investigations or procedures to bring about the cessation or prohibition of intra-Union infringements or widespread infringements of its own initiative ***and where appropriate to publish information about this;***

Amendment

(h) start investigations or procedures to bring about the cessation or prohibition of intra-Union infringements or widespread infringements of its own initiative;

Or. de

Amendment 310
Richard Sulík

Proposal for a regulation
Article 8 – paragraph 2 – point h

Text proposed by the Commission

(h) start investigations or procedures to bring about the cessation or prohibition of intra-Union infringements or widespread infringements of its own initiative ***and where appropriate to publish information about this;***

Amendment

(h) start investigations or procedures to bring about the cessation or prohibition of intra-Union infringements or widespread infringements of its own initiative;

Or. en

Amendment 311
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 8 – paragraph 2 – point h

Text proposed by the Commission

(h) start investigations or procedures to bring about the cessation or prohibition of intra-Union infringements or widespread

Amendment

(h) start investigations or procedures to bring about the cessation or prohibition of intra-Union infringements or widespread

infringements of its own initiative *and where appropriate to publish information about this*;

infringements of its own initiative;

Or. en

Amendment 312
Jiří Pospíšil

Proposal for a regulation
Article 8 – paragraph 2 – point h

Text proposed by the Commission

(h) start investigations or procedures to bring about the cessation or prohibition of intra-Union infringements or widespread infringements *of its own initiative* and where appropriate to publish information about this;

Amendment

(h) start investigations or procedures to bring about the cessation or prohibition of intra-Union infringements or widespread infringements and where appropriate to publish information about this;

Or. cs

Amendment 313
Richard Sulík

Proposal for a regulation
Article 8 – paragraph 2 – point i

Text proposed by the Commission

(i) obtain a commitment from the trader responsible for the intra-Union infringement or widespread infringement *to cease the infringement and where appropriate to compensate consumers for the harm caused*;

Amendment

(i) *seek to* obtain *or accept* a commitment from the trader responsible for the intra-Union infringement or widespread infringement;

Or. en

Amendment 314
Andreas Schwab

Proposal for a regulation

Article 8 – paragraph 2 – point i

Text proposed by the Commission

(i) obtain a commitment from the trader responsible for the intra-Union infringement or widespread infringement to cease the infringement ***and where appropriate to compensate consumers for the harm caused;***

Amendment

(i) obtain a commitment from the trader responsible for the intra-Union infringement or widespread infringement to cease the infringement;

Or. de

Amendment 315

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 – point i

Text proposed by the Commission

(i) ***obtain*** a commitment from the trader responsible for the intra-Union infringement or widespread infringement to cease the infringement and where appropriate to compensate consumers for the harm caused;

Amendment

(i) ***seek and accept*** a commitment from the trader responsible for the intra-Union infringement or widespread infringement to cease the infringement and where appropriate to compensate consumers for the harm caused;

Or. en

Amendment 316

Jiří Pospíšil

Proposal for a regulation

Article 8 – paragraph 2 – point i

Text proposed by the Commission

(i) obtain a commitment from the trader responsible for the ***intra-Union*** infringement ***or widespread infringement*** to cease the infringement and where appropriate to compensate consumers for

Amendment

(i) obtain a commitment from the trader responsible for the infringement ***within the EU*** and where appropriate to compensate consumers for the harm

the harm caused;

caused;

Or. cs

Amendment 317

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec

Proposal for a regulation

Article 8 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) request in writing the cessation of the infringement by the trader;

(j) request in writing the cessation of the infringement by the trader ***or prohibit the infringement;***

Or. en

Amendment 318

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) ***bring about the cessation or the prohibition of the infringement;***

deleted

Or. en

Amendment 319

Andreas Schwab

Proposal for a regulation

Article 8 – paragraph 2 – point k

Text proposed by the Commission

Amendment

(k) ***bring about the cessation or the prohibition of the infringement;***

deleted

Amendment 320

Jiří Pospíšil

Proposal for a regulation

Article 8 – paragraph 2 – point k

Text proposed by the Commission

(k) bring about the cessation *or the prohibition* of the infringement;

Amendment

(k) bring about the cessation of the infringement;

Or. cs

Amendment 321

Andreas Schwab

Proposal for a regulation

Article 8 – paragraph 2 – point l

Text proposed by the Commission

(l) close down a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures;

Amendment

deleted

Or. de

Justification

Closing down a website is a very far-reaching measure that considerably constrains a website provider's right to freedom of expression. Under this provision, even minor violations could result in a website being closed down.

Amendment 322

Richard Sulík

Proposal for a regulation

Article 8 – paragraph 2 – point l

Text proposed by the Commission

Amendment

(l) close down a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures;

deleted

Or. en

Amendment 323

Anna Maria Corazza Bildt

Proposal for a regulation

Article 8 – paragraph 2 – point l

Text proposed by the Commission

Amendment

(l) close down a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures;

(l) request law-enforcement authorities to implement such measures, and restrict or limit access to a website, domain or similar digital site, service or account or a part of it;

Or. en

Justification

Public authorities should be able to request law enforcing authorities to restrict access to websites. They should not be able to do it themselves.

Amendment 324

Julia Reda, Dita Charanzová

Proposal for a regulation

Article 8 – paragraph 2 – point l

Text proposed by the Commission

Amendment

(l) close down a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures;

(l) in the absence of an effective reaction within a reasonable time by the trader to a written request by a competent authority for the cessation of an infringement, order a hosting service provider to remove content or to close

down a website, service or account or a part of it, or order a domain registry or registrar to delete a fully qualified domain name and allow the competent authority concerned to register it;

Or. en

Amendment 325

Kaja Kallas, Julia Reda, Dita Charanzová

Proposal for a regulation

Article 8 – paragraph 2 – point 1

Text proposed by the Commission

(1) close down a website, domain or similar digital site, service or account or a part of it, *including by requesting a third party or other public authority to implement such measures;*

Amendment

(1) *in the absence of an effective reaction within a reasonable time by a trader to a written request by a competent authority for the cessation of an infringement, order a hosting service provider to remove content or to close down a website, service or account or a part of it, or order a domain registry or registrar to delete a fully qualified domain name and allow the competent authority concerned to register it;* close down a website, domain or similar digital site, service or account or a part of it, *provided that any measure taken to restrict the online distribution, or otherwise making available, of content to the public is in line with the Charter of Fundamental Rights, is limited to what is necessary and proportionate and is executed on the basis of a prior judicial authorisation;*

Or. en

Amendment 326

Carlos Coelho, Ildikó Gáll-Pelcz

Proposal for a regulation

Article 8 – paragraph 2 – point 1

Text proposed by the Commission

(l) close down a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures;

Amendment

(l) close down a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures, ***in order to prevent the risk of serious and irreparable harm to the collective interests of consumers;***

Or. en

Amendment 327
Maria Grapini

Proposal for a regulation
Article 8 – paragraph 2 – point l

Text proposed by the Commission

(l) close down a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures;

Amendment

(l) close down a website, domain or similar digital site, service or account or a part of it, ***for a set period***, including by requesting a third party or other public authority to implement such measures;

Or. ro

Amendment 328
Jiří Pospíšil

Proposal for a regulation
Article 8 – paragraph 2 – point l

Text proposed by the Commission

(l) close down a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures;

Amendment

(l) ***temporarily*** close down a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures;

*Justification**By agreement***Amendment 329****Richard Sulík****Proposal for a regulation****Article 8 – paragraph 2 – point m***Text proposed by the Commission*

(m) impose penalties, including fines and penalty payments, for ***intra-Union infringements and widespread infringements and for the*** failure to comply with any decision, order, interim measure, commitment or other measure adopted pursuant to this Regulation;

Amendment

(m) impose penalties, including fines and penalty payments, for failure to comply with any decision, order, interim measure, commitment or other measure adopted pursuant to this Regulation;

Or. en

Amendment 330**Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin****Proposal for a regulation****Article 8 – paragraph 2 – point m***Text proposed by the Commission*

(m) impose ***penalties***, including fines and penalty payments, for intra-Union infringements and widespread infringements and for ***the*** failure to comply with any decision, order, interim measure, commitment or other measure adopted pursuant to this Regulation;

Amendment

(m) impose ***sanctions***, including fines and penalty payments, for intra-Union infringements, ***widespread infringements*** and widespread infringements ***with a Union dimension***, and for failure to comply with any decision, order, interim measure, commitment or other measure adopted pursuant to this Regulation;

Or. en

Amendment 331
Andreas Schwab

Proposal for a regulation
Article 8 – paragraph 2 – point m

Text proposed by the Commission

(m) ***impose penalties, including fines and penalty payments,*** for intra-Union infringements and widespread infringements and for ***the*** failure to comply with any decision, order, interim measure, commitment or other measure adopted pursuant to this Regulation;

Amendment

(m) ***subject to paragraph 2b, impose administrative fines*** for intra-Union infringements and widespread infringements and for failure to comply with any decision, order, interim measure, commitment or other measure adopted pursuant to this Regulation;

Or. en

Amendment 332
Andreas Schwab

Proposal for a regulation
Article 8 – paragraph 2 – point n

Text proposed by the Commission

(n) ***order the trader responsible for the intra-Union infringement or widespread infringement to compensate consumers that have suffered harm as a consequence of the infringement including, among others, monetary compensation, offering consumers the option to terminate the contract or other measures ensuring redress to consumers who have been harmed as a result of the infringement;***

Amendment

deleted

Or. de

Amendment 333
Lara Comi, Elisabetta Gardini

Proposal for a regulation
Article 8 – paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) *order the trader responsible for the intra-Union infringement or widespread infringement to compensate consumers that have suffered harm as a consequence of the infringement including, among others, monetary compensation, offering consumers the option to terminate the contract or other measures ensuring redress to consumers who have been harmed as a result of the infringement;* *deleted*

Or. it

Amendment 334
Richard Sulík

Proposal for a regulation
Article 8 – paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) *order the trader responsible for the intra-Union infringement or widespread infringement to compensate consumers that have suffered harm as a consequence of the infringement including, among others, monetary compensation, offering consumers the option to terminate the contract or other measures ensuring redress to consumers who have been harmed as a result of the infringement;* *deleted*

Or. en

Amendment 335
Jiří Pospíšil

Proposal for a regulation
Article 8 – paragraph 2 – point n

Text proposed by the Commission

Amendment

(n) order the trader responsible for the intra-Union infringement ***or widespread infringement*** to compensate consumers that have suffered harm as a consequence of the infringement including, among others, monetary compensation, offering consumers the option to terminate the contract or other measures ensuring redress to consumers who have been harmed as a result of the infringement;

(n) order the trader responsible for the intra-Union infringement to compensate consumers that have suffered harm as a consequence of the infringement including, among others, monetary compensation, offering consumers the option to terminate the contract or other measures ensuring redress to consumers who have been harmed as a result of the infringement;

Or. cs

Amendment 336
Andreas Schwab

Proposal for a regulation
Article 8 – paragraph 2 – point o

Text proposed by the Commission

Amendment

(o) order the restitution of profits obtained as a result of infringements, including an order that those profits are paid to the public purse or to a beneficiary designated by the competent authority or under national legislation;

deleted

Or. de

Amendment 337
Richard Sulík

Proposal for a regulation
Article 8 – paragraph 2 – point o

Text proposed by the Commission

Amendment

(o) order the restitution of profits obtained as a result of infringements, including an order that those profits are paid to the public purse or to a beneficiary designated by the competent authority or under national legislation;

deleted

Amendment 338

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 – point o

Text proposed by the Commission

(o) order the restitution of profits obtained as a result of infringements, *including an order that those profits are paid to the public purse or to a beneficiary designated by the competent authority or under national legislation;*

Amendment

(o) order the restitution of profits obtained as a result of infringements;

Amendment 339

Jiří Pospíšil

Proposal for a regulation

Article 8 – paragraph 2 – point o

Text proposed by the Commission

(o) order the restitution of profits obtained as a result of infringements, *including an order that those profits are paid to the public purse or to a beneficiary designated by the competent authority or under national legislation;*

Amendment

(o) order the restitution of profits obtained as a result of infringements under national legislation;

Amendment 340

Richard Sulík

Proposal for a regulation

Article 8 – paragraph 2 – point p

Text proposed by the Commission

Amendment

(p) publish any final decisions, ***interim measures*** or orders, including the publication of the identity of the trader responsible for the intra-Union infringement or widespread infringement;

(p) publish any final decisions, ***trader's commitments*** or orders ***adopted pursuant to this Regulation***, including the publication of the identity of the trader responsible for the intra-Union infringement or widespread infringement ***in cases where the infringement is serious and has caused harm***;

Or. en

Amendment 341

Jiří Pospíšil

Proposal for a regulation

Article 8 – paragraph 2 – point p

Text proposed by the Commission

Amendment

(p) publish any final decisions, interim measures or orders, ***including the publication of the identity of the trader responsible for the*** intra-Union ***infringement or widespread infringement***;

(p) publish any final decisions, interim measures or orders concerning intra-Union ***infringements of consumer protection law***;

Or. cs

Amendment 342

Andreas Schwab

Proposal for a regulation

Article 8 – paragraph 2 – point p

Text proposed by the Commission

Amendment

(p) publish any final decisions, ***interim measures or orders***, including the publication of the identity of the trader responsible for the intra-Union infringement or widespread infringement;

(p) publish any final decisions, including the publication of the identity of the trader responsible for the intra-Union infringement or widespread infringement;

Or. de

Amendment 343

Kaja Kallas, Dita Charanzová

Proposal for a regulation

Article 8 – paragraph 2 – point p

Text proposed by the Commission

(p) publish any final decisions, *interim* measures or orders, including the publication of the identity of the trader responsible for the intra-Union infringement or widespread infringement;

Amendment

(p) publish any final decisions, *final* measures or orders, including the publication of the identity of the trader responsible for the intra-Union infringement or widespread infringement;

Or. en

Justification

Given the consequences of the publication, it should be made clear that the decisions and measures are final

Amendment 344

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 – point p

Text proposed by the Commission

(p) publish any final decisions, *interim measures* or orders, including the publication of the identity of the trader responsible for the intra-Union infringement or widespread infringement;

Amendment

(p) publish any final decisions or orders, including the publication of the identity of the trader responsible for the intra-Union infringement or widespread infringement;

Or. en

Amendment 345

Richard Sulík

Proposal for a regulation

Article 8 – paragraph 2 – point q

Text proposed by the Commission

Amendment

(q) consult **consumers**, consumer organisations, **designated bodies and other persons concerned about the effectiveness of the proposed commitments in ceasing the infringement and removing the harm caused by it.**

(q) consult consumer organisations, **traders associations and, where applicable, designated bodies.**

Or. en

Amendment 346

Julia Reda

Proposal for a regulation

Article 8 – paragraph 2 – point q

Text proposed by the Commission

Amendment

(q) consult **consumers**, consumer organisations, **designated bodies and other persons concerned about the effectiveness of the proposed commitments in ceasing the infringement and removing the harm caused by it.**

(q) consult consumer organisations **and, where applicable, designated bodies.**

Or. en

Amendment 347

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 – point q

Text proposed by the Commission

Amendment

(q) consult consumers, consumer organisations, designated bodies and other persons concerned about the effectiveness of the proposed commitments in ceasing the infringement and removing the harm caused by it.

(q) consult consumers, consumer organisations, designated bodies, **where applicable**, and other persons concerned about the effectiveness of the proposed commitments in ceasing the infringement and removing the harm caused by it.

Or. en

Amendment 348

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where in accordance with national law prior authorisation to enter premises of natural and legal persons as referred to in point (d) of paragraph 2 is needed from the judicial authority of the Member State concerned, the power referred to in that point shall be exercised only after such prior authorisation has been obtained.

Or. en

Amendment 349

Andreas Schwab

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Any natural or legal person who is obliged to provide information in accordance with points (b) and (d) of paragraph 2 shall have the right to remain silent and the right not to incriminate himself or herself.

Or. en

Amendment 350

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 8 – paragraph 2 b (new)

2b. *When a decision is being made whether to impose a sanction and on the amount of the fine to be imposed in each individual case, due regard shall be given to the following:*

(a) the nature, gravity and duration of the infringement, taking into account the number of consumers affected and the level of damage suffered by them;

(b) the intentional or negligent character of the infringement;

(c) any action taken by the trader to mitigate the damage suffered by consumers;

(d) any relevant previous infringements committed by the trader;

(f) the degree to which the trader has cooperated with the competent authority in order to remedy the infringement and mitigate the possible adverse effects of the infringement.

Or. en

Amendment 351

Andreas Schwab

Proposal for a regulation

Article 8 – paragraph 2 b (new)

2b. *When a decision is being made whether to impose a sanction and on the amount of the fine to be imposed in each individual case, due regard shall be given to the following:*

(a) the nature, gravity and duration of the infringement, taking into account the number of consumers affected and the level of damage suffered by them;

- (b) *the intentional or negligent character of the infringement;*
- (c) *any action taken by the trader to mitigate the damage suffered by consumers;*
- (d) *any relevant previous infringements committed by the trader;*
- (f) *the degree to which the trader has cooperated with the competent authority in order to remedy the infringement and mitigate the possible adverse effects of the infringement.*

Or. en

Amendment 352

Othmar Karas

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

Amendment

Exercise of *minimum* powers

Exercise of powers

Or. de

Amendment 353

Richard Sulík

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. *The competent authorities shall exercise the powers set out in Article 8 in accordance with this Regulation and national law* either:

1. The powers set out in Article 8 *shall be exercised* either:

Or. en

Amendment 354
Vicky Ford

Proposal for a regulation
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authorities shall exercise the powers set out in Article 8 in accordance with this Regulation and national law either:

Amendment

1. The competent authorities shall exercise the powers ***in a proportionate manner and ensure that the powers exercised are adequate taking into account the nature and overall harm of the infringement in question. Those powers are*** set out in Article 8 in accordance with this Regulation and national law ***and shall be exercised*** either:

Or. en

Justification

It is important that the new cooperation mechanism has a minimal impact on the existing practices of national courts.

Amendment 355
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authorities shall exercise the powers set out in Article 8 in accordance with this Regulation and national law either:

Amendment

1. The competent authorities shall exercise the powers set out in Article 8 in ***a proportionate, efficient and effective manner and in*** accordance with this Regulation, ***Union*** and national law either:

Or. en

Amendment 356
Othmar Karas

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) directly under their own authority;
or

Amendment

(a) ***as regards Article 8(2)(e), (f), (j) and (q) either*** directly under their own authority ***or under the supervision of the judicial authorities***; or

Or. de

Justification

These powers under Article 8 should normally be exercisable under the relevant bodies' own authority.

Amendment 357

Richard Sulík

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) directly under their own authority;
or

Amendment

(a) directly ***by competent authorities*** under their own authority;

Or. en

Amendment 358

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) directly under their own authority;
or

Amendment

(a) directly under their own authority;

Or. en

Amendment 359

Richard Sulík

Proposal for a regulation

Article 9 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) with the assistance of other competent authorities or other public authorities;

Or. en

Amendment 360

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 9 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) with the assistance of other public authorities; or

Or. en

Amendment 361

Richard Sulík

Proposal for a regulation

Article 9 – paragraph 1 – point a b (new)

Text proposed by the Commission

Amendment

(ab) by instructing designated bodies, where such bodies exist; or

Or. en

Amendment 362

Othmar Karas

Proposal for a regulation
Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) by application to courts competent to grant the necessary decision, including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.

Amendment

(b) ***as regards Article 8 (2)(a), (b), (c), (d), (g), (h), (i), (k), (l), (m), (n), (o) and (p)*** by application to courts competent to grant the necessary decision, including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.

Or. de

Justification

These powers under Article 8 would otherwise make it possible to grant powers to consumer protection organisations for which, in a state based on the rule of law, even police authorities need a court order (rights to conduct searches, freezing of accounts, etc.).

Amendment 363
Anna Maria Corazza Bildt

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Member States shall exercise the powers set out in Article 8 in full respect of freedom of expression and media freedom as set out in Article 11 of the Charter of Fundamental Rights of the European Union.

Or. en

Justification

The principle of protection of sources is an important principle in many Member States. The provisions in article 8 entail that the powers may be used even in relation to press and other media. Member States need to be able to uphold this principle with regards to press and media.

Amendment 364
Richard Sulík

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. Insofar as competent authorities exercise their powers by application to courts, those courts shall have the power to grant the necessary decisions and shall act within the framework of this Regulation.

deleted

Or. en

Amendment 365
Richard Sulík, Vicky Ford

Proposal for a regulation
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The exercise of powers set out in Article 8 in application of this Regulation shall be proportionate and in accordance with this Regulation, Union and national law, and shall include applicable procedural safeguards and respect the principles of fundamental rights. Investigation and enforcement measures adopted in application of this Regulation shall adequately reflect the nature of the infringement and the overall actual or potential harm caused by it.

Or. en

Amendment 366
Julia Reda

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Implementing powers

The Commission may adopt implementing acts setting out the conditions for the implementation and exercise of the minimum powers of competent authorities referred to in Article 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. en

Amendment 367

Theodoros Zagorakis

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Implementing powers

The Commission may adopt implementing acts setting out the conditions for the implementation and exercise of the minimum powers of competent authorities referred to in Article 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. el

Amendment 368

João Pimenta Lopes

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Implementing powers

The Commission may adopt implementing acts setting out the conditions for the implementation and exercise of the minimum powers of competent authorities referred to in Article 8. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. pt

Amendment 369

Philippe Juvin

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

The Commission may adopt implementing acts setting out the conditions for the implementation and exercise of the minimum powers of competent authorities referred to in Article 8. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2). ***deleted***

Or. fr

Amendment 370

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

The Commission may adopt implementing acts setting out the conditions for the implementation and exercise of the minimum powers of competent authorities referred to in Article 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2). *deleted*

Or. en

Amendment 371
João Pimenta Lopes

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

The Commission may adopt implementing acts setting out the conditions for the implementation and exercise of the minimum powers of competent authorities referred to in Article 8. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2). *deleted*

Or. pt

Amendment 372
Jiří Pospíšil

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

The Commission may adopt implementing acts setting out the conditions for the implementation and exercise of the minimum powers of competent authorities referred to in Article 8. The implementing acts shall be adopted in accordance with *deleted*

the examination procedure referred to in Article 48(2).

Or. cs

Amendment 373

Julia Reda

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. A requested authority shall, on request from an applicant authority, supply any relevant information required to establish whether an intra-Union infringement has occurred and to bring about the cessation of that infringement. The requested authority shall notify the Commission without delay of the request for information and of its reply.

Amendment

1. A requested authority shall, on request from an applicant authority, supply ***to the applicant authority without delay, and in any event within 14 days,*** any relevant information required to establish whether an intra-Union infringement has occurred and to bring about the cessation of that infringement. The requested authority shall notify the Commission without delay of the request for information and of its reply.

Or. en

Amendment 374

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. A requested authority shall, on request from an applicant authority, supply any relevant information required to establish whether an intra-Union infringement has occurred and to bring about the cessation of that infringement. The requested authority shall notify the Commission without delay of the request for information and of its reply.

Amendment

1. A requested authority shall, on request from an applicant authority, supply ***to the latter, within 30 days,*** any relevant information required to establish whether an intra-Union infringement has occurred and to bring about the cessation of that infringement. The requested authority shall notify the Commission without delay of the request for information and of its reply.

Amendment 375
João Pimenta Lopes

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. The requested authority shall reply to the request using the procedure for information requests and within the time limits set out by the Commission in the implementing act. **deleted**

Or. pt

Amendment 376
Jiří Pospíšil

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. The requested authority shall reply to the request using the procedure for information requests and within the time limits set out by the Commission in the implementing act.

4. The requested authority shall reply to the request using the procedure for information requests and within the *normal* time limits for the Member State concerned.

Or. cs

Amendment 377
Philippe Juvin

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for information. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. fr

Amendment 378
Julia Reda

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for information. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. en

Amendment 379
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for information. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Amendment 380
João Pimenta Lopes

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for information. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. pt

Amendment 381
Jiří Pospíšil

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for information. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. cs

Amendment 382
Julia Reda

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. A requested authority shall, on request from an applicant authority, take all necessary enforcement measures to bring about the cessation or prohibition of the intra-Union infringement, including imposing penalties and ordering or facilitating the compensation of consumers for harm caused by the infringement.

Amendment

1. A requested authority shall ***without undue delay***, on request from an applicant authority, take all necessary enforcement measures to bring about the cessation or prohibition of the intra-Union infringement, including imposing penalties and ordering or facilitating the compensation of consumers for harm caused by the infringement.

Or. en

Amendment 383

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. In order to fulfil its obligations laid down in paragraph 1, the requested authority shall exercise the powers set out under Article 8 and any additional powers granted to it under national law. The requested authority shall determine the enforcement measures appropriate to bring about the cessation or prohibition of the intra-Union infringement in a proportionate, efficient and effective way. If necessary, those measures shall be determined and implemented with the assistance of other public authorities.

Amendment

deleted

Or. en

Amendment 384

Olga Sehnalová

Proposal for a regulation

Article 12 – paragraph 3 – introductory part

Text proposed by the Commission

3. The requested authority shall regularly inform and consult the applicant authority about the steps and measures ***taken***. The requested authority shall notify through the database set out in Article 43 the applicant authority, the competent authorities of other Member States and the Commission of the measures taken and their effect on the intra-Union infringement without delay, including the following:

Amendment

3. The requested authority shall regularly inform ***the applicant authority about the steps and measures taken*** and consult the applicant authority about the steps and measures ***the requested authority intends to take***. The requested authority shall notify through the database set out in Article 43 the applicant authority, the competent authorities of other Member States and the Commission of the measures taken and their effect on the intra-Union infringement without delay, including the following:

Or. en

Amendment 385

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation

Article 12 – paragraph 3 – point c

Text proposed by the Commission

(c) which ***penalties*** have been imposed;

Amendment

(c) which ***sanctions*** have been imposed;

Or. en

Amendment 386

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. The requested authority shall reply to the request using the procedures for requests for enforcement measures and within the time limits ***set out by the***

Amendment

4. The requested authority shall reply to the request using the procedures for requests for enforcement measures and within the ***appropriate*** time limits.

Commission in the implementing act.

Or. en

Amendment 387

Philippe Juvin

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for enforcement measures. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. fr

Amendment 388

Julia Reda

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for enforcement measures. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. en

Amendment 389

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for enforcement measures. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. en

Amendment 390

João Pimenta Lopes

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for enforcement measures. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. pt

Amendment 391

Jiří Pospíšil

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for enforcement measures. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

deleted

Or. cs

Amendment 392

Lara Comi, Elisabetta Gardini

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for enforcement measures. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

5. The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for enforcement measures, *including operators' right to be heard*. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. it

Amendment 393

Philippe Juvin

Proposal for a regulation

Article 13 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the

deleted

*procedures involving designated bodies.
The implementing acts shall be adopted in
accordance with the examination
procedure referred to in Article 48(2).*

Or. fr

Amendment 394
Julia Reda

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Commission shall adopt
implementing acts setting out the time
limits, standard forms and details of the
procedures involving designated bodies.
The implementing acts shall be adopted in
accordance with the examination
procedure referred to in Article 48(2).* **deleted**

Or. en

Amendment 395
João Pimenta Lopes

Proposal for a regulation
Article 13 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Commission shall adopt
implementing acts setting out the time
limits, standard forms and details of the
procedures involving designated bodies.
The implementing acts shall be adopted in
accordance with the examination
procedure referred to in Article 48(2).* **deleted**

Or. pt

Amendment 396
Maria Grapini

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

(1) In requests for mutual assistance, the applicant authority shall provide **sufficient information** to enable a requested authority to fulfil the request, including any necessary evidence obtainable only in the Member State of the applicant authority.

Amendment

(1) In requests for mutual assistance, the applicant authority shall provide **all the relevant information at its disposal** to enable a requested authority to fulfil the request, including any necessary evidence obtainable only in the Member State of the applicant authority.

Or. ro

Amendment 397
Olga Sehnalová

Proposal for a regulation
Article 15 – paragraph 1 – point c

Text proposed by the Commission

(c) criminal investigations or judicial proceedings have already been initiated **or final judgment has already been given** in respect of the same intra-Union infringement and against the same trader before the judicial authorities in the Member State of the requested or applicant authority.

Amendment

(c) criminal investigations or judicial proceedings have already been initiated in respect of the same intra-Union infringement and against the same trader before the judicial authorities in the Member State of the requested or applicant authority.

Or. en

Amendment 398
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 15 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) criminal investigations or judicial proceedings have already been initiated or ***final*** judgment ***has already been given*** in respect of the same intra-Union infringement and against the same trader before the judicial authorities in the Member State of the requested or applicant authority.

(c) criminal investigations or judicial proceedings have already been initiated or ***there is an administrative decision, a judgment or a court settlement*** in respect of the same intra-Union infringement and against the same trader before the judicial authorities in the Member State of the requested or applicant authority.

Or. en

Amendment 399

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 15 – paragraph 2 – point c – paragraph 1

Text proposed by the Commission

in its opinion, the applicant authority has not provided sufficient information in accordance with Article ***12(1)***,

Amendment

(c) in its opinion, the applicant authority has not provided sufficient information in accordance with Article ***14(1)***,

Or. en

Amendment 400

Maria Grapini

Proposal for a regulation

Article 15 – paragraph 2 – point c – paragraph 1

Text proposed by the Commission

in its opinion, the applicant authority has not provided ***sufficient*** information in accordance with Article 12(1),

Amendment

in its opinion, the applicant authority has not provided ***relevant*** information in accordance with Article 12(1),

Or. ro

Amendment 401

Maria Grapini

Proposal for a regulation

Article 15 – paragraph 2 – point c – paragraph 2

Text proposed by the Commission

Amendment

A request for enforcement measures cannot be refused on the ground that insufficient information has been provided if a request for information on the same intra-Union infringement was refused on the grounds that criminal investigations or judicial proceedings have already been initiated or final judgment has already been given in respect of the same intra-Union infringement and against the same trader, as referred to in paragraph (1)(c).

deleted

Or. ro

Amendment 402

Carlos Coelho

Proposal for a regulation

Article 15 – paragraph 2 – point c – paragraph 2

Text proposed by the Commission

Amendment

A request for enforcement measures cannot be refused on the ground that insufficient information has been provided if a request for information on the same intra-Union infringement was refused on the grounds *that criminal investigations or judicial proceedings have already been initiated or final judgment has already been given in respect of the same intra-Union infringement and against the same trader, as referred to in paragraph (1)(c).*

A request for enforcement measures cannot be refused on the ground that insufficient information has been provided if a request for information on the same intra-Union infringement was **previously** refused on the grounds referred to in paragraph 1(c).

Or. pt

Amendment 403

Philippe Juvin

Proposal for a regulation

Article 15 – paragraph 2 – point c – paragraph 2

Text proposed by the Commission

A request for enforcement measures cannot be refused on the ground that insufficient information has been provided if a request for information on the same intra-Union infringement was refused on the grounds that criminal investigations or judicial proceedings have already been initiated or final judgment has already been given in respect of the same intra-Union infringement and against the same trader, as referred to in paragraph (1)(c).

Amendment

A request for enforcement measures cannot be refused on the ground that insufficient information has been provided if a request for information on the same intra-Union infringement was refused on the grounds that criminal investigations or judicial **or administrative** proceedings have already been initiated or final judgment has already been given in respect of the same intra-Union infringement and against the same trader, as referred to in paragraph (1)(c).

Or. fr

Amendment 404

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 15 – paragraph 4

Text proposed by the Commission

4. In the event of a disagreement between the applicant and the requested authority, the applicant authority or the requested authority **shall without delay** refer the matter to the Commission which shall issue an opinion. Where the matter is not referred to it, the Commission may of its own motion issue an opinion.

Amendment

4. In the event of a disagreement between the applicant and the requested authority, the applicant authority or the requested authority **may** refer the matter to the Commission which shall issue an opinion. Where the matter is not referred to it, the Commission may of its own motion issue an opinion.

Or. en

Amendment 405

Olga Sehnalová

Proposal for a regulation

Article 15 – paragraph 4

Text proposed by the Commission

4. In the event of a disagreement between the applicant and the requested authority, the applicant authority or the requested authority shall without delay refer the matter to the Commission which shall issue an opinion. Where the matter is not referred to it, the Commission may of its own motion issue an opinion.

Amendment

4. In the event of a disagreement between the applicant and the requested authority, the applicant authority or the requested authority shall without delay refer the matter to the Commission which shall ***without delay*** issue an opinion. Where the matter is not referred to it, the Commission may of its own motion issue an opinion.

Or. en

Amendment 406

Philippe Juvin

Proposal for a regulation

Article 15 – paragraph 7

Text proposed by the Commission

7. The Commission may adopt implementing acts setting out the details of the procedures to address cases of disagreement between competent authorities under paragraphs 3 and 4. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment

deleted

Or. fr

Amendment 407

João Pimenta Lopes

Proposal for a regulation

Article 15 – paragraph 7

Text proposed by the Commission

7. The Commission may adopt implementing acts setting out the details

Amendment

deleted

of the procedures to address cases of disagreement between competent authorities under paragraphs 3 and 4. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. pt

Amendment 408
Julia Reda

Proposal for a regulation
Article 15 – paragraph 7

Text proposed by the Commission

Amendment

7. *The Commission may adopt implementing acts setting out the details of the procedures to address cases of disagreement between competent authorities under paragraphs 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* **deleted**

Or. en

Amendment 409
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 15 – paragraph 7

Text proposed by the Commission

Amendment

7. *The Commission may adopt implementing acts setting out the details of the procedures to address cases of disagreement between competent authorities under paragraphs 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* **deleted**

Amendment 410
Julia Reda

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Implementing acts

The Commission shall adopt implementing acts laying down the standard forms and steps of the procedure referred to in Articles 11, 12 and 15. Those implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment 411
Olga Sehnalová

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. Where a competent authority has a reasonable suspicion that a widespread infringement is taking place, it shall notify the competent authorities of the ***other*** Member States concerned by ***the widespread*** infringement and the Commission without delay.

1. Where a competent authority ***or the Commission*** has a reasonable suspicion that a widespread infringement ***or a widespread infringement with a Union dimension*** is taking place, it shall notify the competent authorities of the Member States concerned by ***that*** infringement and the Commission, ***where applicable***, without delay.

Justification

Replaces AM 105 of the draft report. Clarification of the previous AM.

Amendment 412

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Róza Gräfin von Thun und Hohenstein

**Proposal for a regulation
Article 16 – paragraph 2**

Text proposed by the Commission

2. Where the Commission has a reasonable suspicion that a widespread infringement is taking place, it shall notify the competent authorities concerned by the widespread infringement.

Amendment

2. Where the Commission has a reasonable suspicion that a widespread infringement is taking place, it shall ***without delay*** notify the competent authorities concerned by the widespread infringement.

Or. en

Amendment 413

Olga Sehnalová

**Proposal for a regulation
Article 16 – paragraph 3**

Text proposed by the Commission

3. After receiving ***the notifications*** referred to in ***paragraphs 1 and 2***, the competent authorities concerned by ***the widespread infringement*** shall, acting by consensus, ***designate the*** competent authority ***that*** shall coordinate the action.

Amendment

3. After receiving ***notification as*** referred to in ***paragraph 1, in the case of a widespread infringement***, the competent authorities concerned by ***it*** shall, acting by consensus, ***decide whether to launch a coordinated action. The notifying competent authority shall coordinate the action unless the competent authorities concerned by the widespread infringement agree that another competent authority or the Commission is to do so.***

Or. en

Justification

Replaces AM 107 of the draft report.

Amendment 414
João Pimenta Lopes

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

Amendment

4. The competent authorities concerned may invite the Commission to take up the coordination role. The Commission shall inform the competent authorities concerned without delay whether it accepts the coordination role. ***deleted***

Or. pt

Amendment 415
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

Amendment

4. The competent authorities concerned may invite the Commission to take up the coordination role. The Commission shall inform the competent authorities concerned without delay whether it accepts the coordination role.

4. The competent authorities concerned may invite the Commission to take up the coordination role. The Commission shall inform the competent authorities concerned without delay whether it accepts the coordination role. *If, however, that request is made by a majority of Members States accounting together for at least a majority of the population of the Union, the Commission shall not refuse the coordination role.*

Or. en

Amendment 416
João Pimenta Lopes

Proposal for a regulation
Article 16 – paragraph 5

Text proposed by the Commission

Amendment

5. When notifying the competent authority pursuant to paragraph 2, the Commission may propose to take up the coordination role. The competent authorities concerned shall inform the Commission without delay whether they accept that the Commission coordinates the action.

deleted

Or. pt

Amendment 417
Olga Sehnalová

Proposal for a regulation
Article 16 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. After receiving a notification as referred to in paragraph 1, in the case of a widespread infringement with a Union dimension, the Commission, after verifying preliminary evidence regarding the existence of that infringement with the single liaison offices of the Member States, shall launch a coordinated action.

The Commission shall notify its decision to launch the coordinated action to the single liaison offices of the Member States concerned by that action.

The Commission shall coordinate the action.

Or. en

Justification

Replaces AM 111 of the draft report.

Amendment 418
João Pimenta Lopes

Proposal for a regulation
Article 16 – paragraph 6

Text proposed by the Commission

6. *Where the Commission declines to take up the coordination role or where the competent authorities concerned do not accept that the Commission coordinates the action, the competent authorities concerned shall designate a competent authority that shall coordinate the action.*

Where no agreement among competent authorities is reached, the competent authority that first notified the suspected infringement to the other competent authorities shall coordinate the action.

Amendment

6. Where no agreement among competent authorities is reached, the competent authority that first notified the suspected infringement to the other competent authorities shall coordinate the action.

Or. pt

Amendment 419
Catherine Bearder

Proposal for a regulation
Article 16 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *Where there is a reasonable suspicion that a widespread infringement is taking place, the competent authorities concerned and the Commission shall without delay inform each other and the single liaison offices concerned by sending alerts pursuant to Article 34.*

Following the exchange of information pursuant to paragraph 1 and where there

is a reasonable suspicion that a widespread infringement with a Union dimension is taking place, the Commission shall launch a coordinated action by adopting its decision.

The Commission shall notify its decision to launch a coordinated action to the liaison offices of the Member States concerned by that action.

The Commission shall coordinate the action.

Or. en

Amendment 420

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 16 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *A competent authority may join in the coordinated action if, during the course of the coordinated action, it becomes apparent that it is concerned by the widespread infringement.*

Or. en

Amendment 421

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Philippe Juvin

Proposal for a regulation

Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. The competent authorities concerned shall ensure that the necessary evidence, data and information are gathered effectively and efficiently. The competent authorities concerned shall

1. The competent authorities concerned shall ensure that the necessary evidence, data and information are gathered effectively and efficiently. The competent authorities concerned shall

ensure that investigations and inspections are conducted simultaneously and that interim measures are applied simultaneously.

ensure that investigations and inspections are conducted simultaneously and that interim measures are applied simultaneously *to the extent that national procedural law so allows.*

Or. en

Amendment 422

Olga Sehnalová

Proposal for a regulation

Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Unless otherwise agreed between the competent authorities concerned, the coordinator shall communicate the common position to the trader responsible for the infringement, who shall be given the opportunity to be heard on the matters forming part of the common position.

Or. en

Justification

Moved from Art. 31 (1).

Amendment 423

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Róza Gräfin von Thun und Hohenstein

Proposal for a regulation

Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The common position shall be communicated to the trader responsible for the infringement, who shall have the right to be heard.

Amendment 424
Othmar Karas

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

Amendment

(4) *Where appropriate and without prejudice to the rules on professional and commercial secrecy set out in Article 41, the competent authorities concerned may decide to publish the common position or parts of it on their websites and on the Commission website and seek the views of other parties concerned.* **deleted**

Or. de

Justification

Publication of the common position should not be compulsory. If investigations are still proceeding and a trader has had no opportunity to be heard, no decision has been taken that would warrant publication and hence prejudgment.

Amendment 425
Julia Reda

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. Where appropriate and without prejudice to the rules on professional and commercial secrecy set out in Article 41, the competent authorities concerned **may decide to** publish the common position or parts of it on their websites and on the Commission website and seek the views of other parties concerned.

4. Where appropriate and without prejudice to the rules on professional and commercial secrecy set out in Article 41, the competent authorities concerned **shall** publish the common position or parts of it on their websites and on the Commission website and **shall** seek the views of **consumer organisations and** other parties concerned.

Amendment 426

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 17 – paragraph 4

Text proposed by the Commission

4. Where appropriate and without prejudice to the rules on professional and commercial secrecy set out in Article 41, the competent authorities concerned may decide to publish the common position or parts of it on their websites and on the Commission website *and seek the views of other parties concerned.*

Amendment

4. Where appropriate and without prejudice to the rules on professional and commercial secrecy set out in Article 41, the competent authorities concerned may decide to publish the common position or parts of it on their websites and on the Commission website.

Amendment 427

Olga Sehnalová

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

1. The competent authorities concerned may invite the trader responsible for the infringement to propose commitments to cease the infringement and where appropriate to compensate or take other measures facilitating compensation of consumers that have suffered harm. The trader may also, on *its* own initiative, propose commitments to cease the infringement and to compensate consumers.

Amendment

1. *On the basis of a common position adopted pursuant to Article 17*, the competent authorities concerned may invite the trader responsible for the *widespread* infringement *or the widespread infringement with a Union dimension* to propose, *within a set time limit*, commitments to cease the infringement and where appropriate to compensate, or take other measures facilitating *the* compensation of, consumers that have suffered harm. The trader may also, on *his* own initiative, propose commitments to cease the infringement and to compensate *such*

consumers.

Or. en

Justification

Complements AM 116 (time limit to be set for commitments).

Amendment 428
Julia Reda

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Where the trader proposes commitments, the competent authorities concerned, may, where appropriate, publish the proposed commitments on their websites or, as appropriate, on the Commission website to seek the views of other parties concerned and to verify whether the commitments are sufficient to ***cease*** the infringement and ***to compensate*** consumers.

Amendment

2. Where the trader proposes commitments, the competent authorities concerned may, where appropriate, publish the proposed commitments on their websites or, as appropriate, on the Commission website ***in order*** to seek the views of ***consumer organisations and*** other parties concerned and to verify whether the commitments are sufficient to ***ensure the cessation of*** the infringement and ***the compensation of*** consumers ***harmed by it.***

Or. en

Amendment 429
Carlos Coelho

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Where the trader proposes commitments, the competent authorities concerned, may, where appropriate, publish the proposed commitments on their websites or, as appropriate, on the Commission website to seek the views of

Amendment

2. Where the trader proposes commitments, the competent authorities concerned, may, where appropriate, publish the proposed commitments on their websites or, as appropriate, on the Commission website to seek the views of

other parties concerned and to verify whether the commitments are sufficient to ***cease*** the infringement and to compensate consumers.

other parties concerned and to verify whether the commitments are sufficient to ***guarantee the cessation of*** the infringement and to compensate consumers ***harmed by it***.

Or. pt

Amendment 430

Olga Sehnalová

Proposal for a regulation

Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The competent authorities concerned shall monitor the implementation of the commitments. They shall in particular ensure that the trader responsible for the infringement regularly reports to the coordinator about the progress of the implementation of the commitments.

Or. en

Justification

Replaces AM 119 (reporting to the coordinator).

Amendment 431

Jiří Pospíšil

Proposal for a regulation

Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where it is clear that the infringement has ceased as a result of commitments from the trader responsible for the infringement, the competent authorities may take enforcement measures pursuant to Article 18a without

establishing a common position and inviting the trader responsible for the infringement to propose commitments.

Or. cs

Amendment 432
João Pimenta Lopes

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. *The competent authorities concerned may designate one competent authority to take enforcement measures on behalf of the other competent authorities in order to bring about the cessation or to prohibit the widespread infringement, to ensure compensation of consumers or to impose penalties. When designating a competent authority to take enforcement measures, the competent authorities shall take the location of the trader concerned into consideration. Once the competent authority has been designated to take enforcement measures by the other competent authorities concerned, it shall become competent to act on behalf of the consumers of each such Member State as if they were its own consumers.*

deleted

Or. pt

Amendment 433
Maria Grapini

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

(3) The competent authorities concerned may designate one competent authority to take enforcement measures on behalf of the other competent authorities in order to bring about the cessation or to prohibit the widespread infringement, to ensure compensation of consumers or to impose penalties. ***When designating a competent authority to take enforcement measures, the competent authorities shall take the location of the trader concerned into consideration.*** Once the competent authority has been designated to take enforcement measures by the other competent authorities concerned, it shall become competent to act on behalf of the consumers of each such Member State as if they were its own consumers.

(3) The competent authorities concerned may designate one competent authority to take enforcement measures on behalf of the other competent authorities in order to bring about the cessation or to prohibit the widespread infringement, to ensure compensation of consumers or to impose penalties. ***The competent authority designated by the competent authorities to take enforcement measures must be from the same Member State in which the trader concerned is located.*** Once the competent authority has been designated to take enforcement measures by the other competent authorities concerned, it shall become competent to act on behalf of the consumers of each such Member State as if they were its own consumers.

Or. ro

Amendment 434
Julia Reda

Proposal for a regulation
Article 18 – paragraph 3

Text proposed by the Commission

3. The competent authorities concerned may designate one competent authority to take enforcement measures on behalf of the other competent authorities in order to bring about the cessation or to prohibit the widespread infringement, to ensure compensation of consumers or to impose penalties. When designating a competent authority to take enforcement measures the competent authorities shall take into consideration the location of the ***trader*** concerned. Once the competent authority has been designated to take enforcement measures by the other competent authorities concerned, it shall become competent to act on behalf of the consumers of each such Member State as if

Amendment

3. The competent authorities concerned may designate one competent authority to take enforcement measures on behalf of the other competent authorities in order to bring about the cessation or to prohibit the widespread infringement, to ensure compensation of consumers or to impose penalties. When designating a competent authority to take enforcement measures the competent authorities shall take into consideration the location of the ***infringement*** concerned. Once the competent authority has been designated to take enforcement measures by the other competent authorities concerned, it shall become competent to act on behalf of the consumers of each such Member State as if

they were its own consumers.

they were its own consumers.

Or. en

Amendment 435

Carlos Coelho

Proposal for a regulation

Article 19 – title

Text proposed by the Commission

Amendment

Closure of the coordinated actions

Termination of the coordinated actions

Or. pt

Amendment 436

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

The ***coordinating authority*** shall inform the Commission and competent authorities of the Member States concerned without delay when the widespread infringement has ceased or has been prohibited.

The ***coordinator*** shall inform the Commission and competent authorities of the Member States concerned without delay when the widespread infringement has ceased or has been prohibited.

Or. en

Amendment 437

Philippe Juvin

Proposal for a regulation

Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Implementing powers

The Commission may adopt implementing acts setting out the details of the procedures for common actions for widespread infringements, in particular the standard forms for notifications and other exchanges between competent authorities and the Commission. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. fr

Amendment 438
João Pimenta Lopes

Proposal for a regulation
Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Implementing powers

The Commission may adopt implementing acts setting out the details of the procedures for common actions for widespread infringements, in particular the standard forms for notifications and other exchanges between competent authorities and the Commission. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. pt

Amendment 439
João Pimenta Lopes

Proposal for a regulation
Chapter 4 – section 2

[...]

deleted

Or. pt

Amendment 440**Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova****Proposal for a regulation****Article 21 – paragraph 1***Text proposed by the Commission**Amendment*

1. Where there is a reasonable suspicion that a widespread infringement *harmed, harms or is likely to harm consumers in at least three quarters of the Member States accounting together for at least three quarters of the population of the Union ("widespread infringement with a Union dimension")*, the *Commission shall launch a common action*. For that purpose the Commission may request the necessary information or documents from the competent authorities.

1. Where there is a reasonable suspicion that a widespread infringement *with a Union dimension is taking place, the Commission shall launch and coordinate a common action by adopting a decision*. For that purpose the Commission may request the necessary information or documents from the competent authorities.

Or. en

Amendment 441**Julia Reda****Proposal for a regulation****Article 21 – paragraph 1***Text proposed by the Commission**Amendment*

1. Where there is a reasonable suspicion that a widespread infringement harmed, harms or is likely to harm consumers in *at least three quarters* of the Member States *accounting together for at least three quarters of the population of the Union* ("widespread infringement with

1. Where there is a reasonable suspicion that a widespread infringement harmed, harms or is likely to harm consumers in *a majority* of the Member States ("widespread infringement with a Union dimension"), the Commission shall launch a common action. For that purpose

a Union dimension"), the Commission shall launch a common action. For that purpose the Commission may request the necessary information or documents from the competent authorities.

the Commission may request the necessary information or documents from the competent authorities.

Or. en

Amendment 442
Catherine Bearder, Dita Charanzová

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Where there is a reasonable suspicion that a widespread infringement harmed, **harms** or is likely to harm consumers in at least **three quarters** of the Member States accounting together for at least three quarters of the population of the Union ("widespread infringement with a Union dimension"), the Commission shall launch a common action. For that purpose the Commission may request the necessary information or documents from the competent authorities.

Amendment

1. Where there is a reasonable suspicion that a widespread infringement **has** harmed, **is harming** or is likely to harm consumers in at least **two thirds** of the Member States accounting together for at least three quarters of the population of the Union ("widespread infringement with a Union dimension"), the Commission shall launch a common action. For that purpose the Commission may request the necessary information or documents from the competent authorities.

Or. en

Amendment 443
Theodoros Zagorakis

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Where there is a reasonable suspicion that a widespread infringement harmed, harms or is likely to harm consumers in at least **three quarters of the** Member States accounting together for at

Amendment

1. Where there is a reasonable suspicion that a widespread infringement harmed, harms or is likely to harm consumers in at least **fifteen** Member States accounting together for at least **two-**

least **three quarters** of the population of the Union ("widespread infringement with a Union dimension"), the Commission shall launch a common action. For that purpose the Commission may request the necessary information or documents from the competent authorities.

thirds of the population of the Union ("widespread infringement with a Union dimension"), the Commission shall launch a common action. For that purpose the Commission may request the necessary information or documents from the competent authorities.

Or. el

Amendment 444
Philippe Juvin

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Where there is a reasonable suspicion that a widespread infringement harmed, harms or is likely to harm consumers in at least **three quarters of** the Member States accounting together for at least **three quarters of** the population of the Union ("widespread infringement with a Union dimension"), the Commission shall launch a common action. For that purpose the Commission may request the necessary information or documents from the competent authorities.

Amendment

1. Where there is a reasonable suspicion that a widespread infringement harmed, harms or is likely to harm consumers in at least **half** the Member States accounting together for at least **half** the population of the Union ("widespread infringement with a Union dimension"), the Commission shall launch a common action. For that purpose the Commission may request the necessary information or documents from the competent authorities.

Or. fr

Amendment 445
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission

5. **The Commission shall coordinate the common action.**

Amendment

deleted

Or. en

Amendment 446

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Róza Gräfin von Thun und Hohenstein

Proposal for a regulation

Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The common position shall be communicated to the trader responsible for the infringement, who shall have the right to be heard.

Or. en

Amendment 447

Julia Reda

Proposal for a regulation

Article 23 – paragraph 3

Text proposed by the Commission

Amendment

3. Where appropriate, and without prejudice to the rules on professional and commercial secrecy set out in Article 41, the competent authorities **may decide to** publish the common position or parts of it on their websites and on the Commission website or where it is appropriate to seek the views of other parties concerned.

3. Where appropriate, and without prejudice to the rules on professional and commercial secrecy set out in Article 41, the competent authorities **shall** publish the common position or parts of it on their websites and on the Commission website or where it is appropriate to seek the views of other parties concerned.

Or. en

Amendment 448

Jiří Pospíšil

Proposal for a regulation

Article 24 – paragraph 4

Text proposed by the Commission

Amendment

4. The competent authorities concerned shall monitor the implementation of the commitments. *They shall in particular ensure that the trader concerned regularly reports to the Commission about the progress of the implementation of the commitments. The competent authorities may, where appropriate, seek the views of consumer organisations, other concerned parties and experts to verify whether the steps taken by the trader are in line with the commitments.*

4. The competent authorities concerned shall monitor the implementation of the commitments.

Or. cs

Amendment 449
Catherine Bearder

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. Once a competent authority is designated to take enforcement measures by the other competent authorities concerned, it shall be competent to act on behalf of the consumers of each Member State as if they were its own consumers. *When designating a competent authority to take enforcement measures, the competent authorities shall take the location of the trader concerned into consideration.*

Amendment

2. Once a competent authority is designated to take enforcement measures by the other competent authorities concerned, it shall be competent to act on behalf of the consumers of each Member State as if they were its own consumers.

Or. en

Amendment 450
Maria Grapini

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

(2) Once a competent authority is designated to take enforcement measures by the other competent authorities concerned, it shall be competent to act on behalf of the consumers of each Member State as if they were its own consumers. ***When designating a competent authority to take enforcement measures, the competent authorities shall take the location of the trader concerned into consideration.***

Amendment

(2) Once a competent authority is designated to take enforcement measures by the other competent authorities concerned, it shall be competent to act on behalf of the consumers of each Member State as if they were its own consumers. ***The competent authority designated by the other competent authorities to take enforcement measures must be from the same Member State in which the trader concerned is located.***

Or. ro

Amendment 451

Julia Reda

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

2. Once a competent authority is designated to take enforcement measures by the other competent authorities concerned, it shall be competent to act on behalf of the consumers of each Member State as if they were its own consumers. When designating a competent authority to take enforcement measures, the competent authorities shall take the location of the ***trader*** concerned into consideration.

Amendment

2. Once a competent authority is designated to take enforcement measures by the other competent authorities concerned, it shall be competent to act on behalf of the consumers of each Member State as if they were its own consumers. When designating a competent authority to take enforcement measures, the competent authorities shall take the location of the ***infringement*** concerned into consideration.

Or. en

Amendment 452

João Pimenta Lopes

Proposal for a regulation

Article 27

Text proposed by the Commission

Amendment

Article 27

deleted

Implementing powers

The Commission may adopt implementing acts setting out the details of the procedures for common actions for widespread infringements with a Union dimension, in particular the standard forms for notifications and other exchanges between competent authorities and the Commission. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. pt

Amendment 453

Philippe Juvin

Proposal for a regulation

Article 27 – paragraph 1

Text proposed by the Commission

Amendment

The Commission may adopt implementing acts setting out the details of the procedures for common actions for widespread infringements with a Union dimension, in particular the standard forms for notifications and other exchanges between competent authorities and the Commission. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2). ***deleted***

Or. fr

Amendment 454

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

Amendment

The Commission may adopt implementing acts setting out the details of the procedures for common actions for widespread infringements with a Union dimension, in particular the standard forms for notifications and other exchanges between competent authorities and the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

deleted

Or. en

Amendment 455

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 29 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) coordinate the investigations, the inspections and the adoption of interim measures that are decided upon by the competent authorities concerned in accordance with sections I and II, ***monitor investigations, inspections and interim measures, as well as other measures, pursuant to Article 8;***

(b) coordinate ***and monitor*** the investigations, the inspections and the adoption of interim measures that are decided upon by the competent authorities concerned in accordance with sections I and II;

Or. en

Amendment 456

Olga Sehnalová

Proposal for a regulation

Article 29 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) maintain contact with the traders and other parties concerned by the surveillance, investigation and enforcement measures, unless otherwise agreed upon by the competent authorities concerned **and** the Commission;

(d) maintain contact with the traders and other parties concerned by the surveillance, investigation and enforcement measures, unless otherwise agreed upon by the competent authorities concerned, **the coordinator and, where applicable,** the Commission;

Or. en

Justification

Complements AM 134

Amendment 457

Olga Sehnalová

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

Amendment

1. The competent authorities shall coordinate their market surveillance activities and their investigation and enforcement measures to address widespread infringements pursuant to **sections I and II**. They shall exchange all necessary information and provide each other and the Commission with any other assistance needed without delay.

1. The competent authorities shall coordinate their market surveillance activities and their investigation and enforcement measures to address widespread infringements pursuant to **section I**. They shall exchange all necessary information and provide each other and the Commission with any other assistance needed without delay.

Or. en

Justification

Section II has been deleted.

Amendment 458

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

3. The languages used by the competent authorities and the Commission for notifications and for all communications linked to ***the*** coordinated actions, common actions and ***concerted investigations of consumer markets*** pursuant to this Chapter shall be agreed upon by the competent authorities concerned and the Commission.

Amendment

3. The languages used by the competent authorities and the Commission for notifications and for all communications linked to coordinated actions, common actions and ***sweeps*** pursuant to this Chapter shall be agreed upon by the competent authorities concerned and the Commission.

Or. en

Amendment 459

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 31 – title

Text proposed by the Commission

Common position and hearing of traders

Amendment

Language arrangements for communication with traders

Or. en

Amendment 460

Olga Sehnalová

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. The common position referred to in Articles 17 and 23 shall be communicated to the trader responsible for the infringement. The trader responsible for the infringement shall be given the opportunity to be heard on the matters which are part of the common position.

Amendment

deleted

Justification

Replaces AM 140.

Moved to Article 17 (3a).

Amendment 461

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation**Article 31 – paragraph 1**

Text proposed by the Commission

Amendment

1. The common position referred to in Articles 17 and 23 shall be communicated to the trader responsible for the infringement. The trader responsible for the infringement shall be given the opportunity to be heard on the matters which are part of the common position.

deleted

Amendment 462

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation**Article 31 – paragraph 2**

Text proposed by the Commission

Amendment

2. The trader shall be entitled to communicate in the official language of the Member State of its establishment or residence. *The trader may waive that right or request that another official language of the Union be used for communicating with the competent authorities.*

2. For the procedures set out in this Chapter, the trader shall be entitled to communicate in the official language of the Member State of its establishment or residence.

Amendment 463
Philippe Juvin

Proposal for a regulation
Article 31 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission may adopt implementing acts setting out the details of the implementation of traders' rights of defence in coordinated and common actions. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. fr

Amendment 464
Julia Reda

Proposal for a regulation
Article 31 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission may adopt implementing acts setting out the details of the implementation of traders' rights of defence in coordinated and common actions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. en

Amendment 465
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission may adopt implementing acts setting out the details of the implementation of traders' rights of defence in coordinated and common actions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

deleted

Or. en

**Amendment 466
João Pimenta Lopes**

**Proposal for a regulation
Article 31 – paragraph 3**

Text proposed by the Commission

Amendment

3. The Commission may adopt implementing acts setting out the details of the implementation of traders' rights of defence in coordinated and common actions. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

deleted

Or. pt

**Amendment 467
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova**

**Proposal for a regulation
Article 32 – paragraph 1**

Text proposed by the Commission

Amendment

1. Where market trends, consumer complaints or other indications suggest that widespread infringements may have

1. Where market trends, consumer complaints or other indications suggest that widespread infringements may have

occurred, occur or may occur, the competent authorities concerned may decide to conduct a ***concerted investigation of consumer markets*** ("sweep"). Such a ***concerted investigation*** shall be coordinated by the Commission.

occurred, occur or may occur, the competent authorities concerned may decide to conduct a sweep. Such a ***sweep*** shall be coordinated by the Commission.

Or. en

Amendment 468

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

2. When conducting ***concerted investigations***, the competent authorities ***concerned*** shall make effective use of the powers set out in Article 8 and other powers conferred upon them by national law.

Amendment

2. When conducting ***sweeps***, the competent authorities ***participating therein*** shall make effective use of the powers set out in Article 8 and other powers conferred upon them by national law.

Or. en

Amendment 469

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation Article 32 – paragraph 3

Text proposed by the Commission

3. The competent authorities may invite Commission officials and other accompanying persons authorised by the Commission to participate in sweeps.

Amendment

3. The competent authorities may invite Commission officials, ***designated bodies***, and other accompanying persons authorised by the Commission, ***when appropriate***, to participate in sweeps.

Or. en

Amendment 470
Olga Sehnalová

Proposal for a regulation
Article 32 – paragraph 3

Text proposed by the Commission

3. The competent authorities may invite Commission officials and other accompanying persons authorised by the Commission to participate in sweeps.

Amendment

3. The competent authorities may invite ***designated bodies***, Commission officials and other accompanying persons authorised by the Commission to participate in sweeps.

Or. en

Justification

Possibility for designated bodies to take part in sweeps.

Amendment 471
Maria Grapini

Proposal for a regulation
Article 32 – paragraph 3

Text proposed by the Commission

(3) The competent authorities may ***invite*** Commission officials and other accompanying persons authorised by the Commission to participate in sweeps.

Amendment

(3) The competent authorities may ***issue duly substantiated invitations to*** Commission officials and other accompanying persons authorised by the Commission to participate in sweeps.

Or. ro

Amendment 472
João Pimenta Lopes

Proposal for a regulation
Article 32 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may adopt implementing acts setting out the details of the procedures for sweeps. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

deleted

Or. pt

Amendment 473

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

1. A competent authority shall without delay notify the Commission and other competent authorities of any reasonable suspicion that an infringement is taking place on its territory that may affect consumers' interests in other Member States ('alert') using the standard form via the database referred to in Article 43.

Amendment

1. A competent authority shall without delay notify the Commission and other competent authorities of any reasonable suspicion that an ***intra-Union infringement or a widespread*** infringement is taking place on its territory that may affect consumers' interests in other Member States ('alert') using the standard form via the database referred to in Article 43.

Or. en

Amendment 474

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

2. The Commission shall without delay notify the competent authorities concerned of any reasonable suspicion that an infringement has occurred on the Union's territory ('alert') via the database referred to in Article 43.

Amendment

2. The Commission shall without delay notify the competent authorities concerned of any reasonable suspicion that an ***intra-Union infringement or a widespread*** infringement has occurred on the Union's territory ('alert') via the

database referred to in Article 43.

Or. en

Amendment 475

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 34 – paragraph 3 – point i

Text proposed by the Commission

Amendment

(i) *whether the alert is 'for information' or 'for action'.*

deleted

Or. en

Amendment 476

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 34 – paragraph 4

Text proposed by the Commission

Amendment

4. In an alert '*for action*', the competent authority or the Commission may ask other competent authorities and the Commission to verify whether similar suspected infringements *may be* taking place in the territory of other Member States or whether any enforcement measures have already been taken against such infringements in other Member States.

4. In an alert the competent authority or the Commission may ask other competent authorities and the Commission to verify whether similar suspected infringements *are* taking place in the territory of other Member States or whether any enforcement measures have already been taken against such infringements in other Member States.

Or. en

Amendment 477

Olga Sehnalová

Proposal for a regulation

Article 34 – paragraph 5

Text proposed by the Commission

Amendment

5. *To address the suspected infringements effectively, the competent authorities concerned shall, depending on the replies to the alert, take the necessary measures set out in Chapters III and IV.* **deleted**

Or. en

Justification

This provision blurs the distinction between alerts and requests for mutual assistance/coordinated actions.

Amendment 478
João Pimenta Lopes

Proposal for a regulation
Article 34 – paragraph 6

Text proposed by the Commission

Amendment

6. *The Commission shall adopt implementing acts setting out the details of the functioning of the alert mechanism, including in particular standard forms for alerts. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* **deleted**

Or. pt

Amendment 479
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. Designated bodies and European **1.** Designated bodies and European

Consumer Centres *shall participate in the alert mechanism set out in Article 34. Member States shall designate* consumer organisations and associations, and other entities such as trader associations, *with* the appropriate expertise and legitimate interest *in consumer protection that shall participate in the alert mechanism.* Member States shall notify the Commission of those entities without delay.

Consumer Centres *as well as* consumer organisations and associations, and other entities such as trader associations *having* the appropriate expertise and legitimate interest *and designated by Member States, may notify competent authorities of the Member State concerned and the Commission of suspected infringements and provide the information set out in Article 34(3) using the standard form for external notifications provided by the database referred to in Article 43 ('external alert').* Member States shall notify the Commission of those entities without delay.

Or. en

Amendment 480
Maria Grapini

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

(1) Designated bodies and European Consumer Centres *shall* participate in the alert mechanism set out in Article 34. Member States shall designate consumer organisations and associations, and other entities such as trader associations, with the appropriate expertise and legitimate interest in consumer protection that *shall* participate in the alert mechanism. Member States shall notify the Commission of those entities without delay.

Amendment

(1) Designated bodies and European Consumer Centres *may* participate in the alert mechanism set out in Article 34. Member States shall designate consumer organisations and associations, and other entities such as trader associations, with the appropriate expertise and legitimate interest in consumer protection that *may* participate in the alert mechanism. Member States shall notify the Commission of those entities, *where this is necessary*, without delay.

Or. ro

Amendment 481
Jiří Pospíšil

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission may designate other entities representing consumer and business interests at a Union level that shall participate in the alert mechanism.

deleted

Or. cs

Amendment 482
Carlos Coelho

Proposal for a regulation
Article 35 – paragraph 3

Text proposed by the Commission

Amendment

3. The entities described in paragraphs 1 and 2 shall be entitled to notify the competent authorities of the Member States concerned and the Commission of suspected infringements and provide the information set out in Article 34(3), using the standard form for external notifications provided by the database referred to in Article 43 ('external alert').

deleted

Or. pt

Amendment 483
Julia Reda

Proposal for a regulation
Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. The external alerts shall *only* be 'for information'. The competent authorities shall not be bound to initiate *a procedure*

4. The external alerts shall *mainly* be 'for information' *and shall require the competent authorities to verify whether*

or take any other action in response to the alerts and information provided by those entities. Entities making external alerts shall ensure that the information provided is correct, up to date and accurate and shall correct the information posted without delay or withdraw it as appropriate. For that purpose, they shall have access to the information they have provided, subject to the limitations referred to in Articles 41 and 43.

those alerts are based on a reasoned suspicion as referred to in Article 34(1). The competent authorities shall not be bound to initiate ***enforcement measures or*** to take any other action in response to the alerts and information provided by those entities. Entities making external alerts shall ensure that the information provided is correct, up to date and accurate and shall correct ***any errors in*** the information posted without delay or withdraw it as appropriate. For that purpose, they shall have access to the information they have provided, subject to the limitations referred to in Articles 41 and 43. ***Entities making external alerts shall also be notified of any follow-up actions taken by the competent authority concerned in relation to those alerts, or of the lack of any action, giving reasons in the latter case as to why the alert was not acted upon.***

Or. en

Amendment 484

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation Article 35 – paragraph 4

Text proposed by the Commission

4. ***The external alerts shall only be 'for information'.*** The competent authorities shall not be bound to initiate a procedure or take any other action in response to the ***alerts and information provided by those entities***. Entities making external alerts shall ensure that the information provided is correct, up to date and accurate and shall correct the information posted without delay or withdraw it as appropriate. For that purpose, they shall have access to the information they have provided, subject to the limitations referred to in Articles 41

Amendment

4. The competent authorities shall not be bound to initiate a procedure or take any other action in response to the ***external alert***. Entities making external alerts shall ensure that the information provided is correct, up to date and accurate and shall correct the information posted without delay or withdraw it as appropriate. For that purpose, they shall have access to the information they have provided, subject to the limitations referred to in Articles 41 and 43.

and 43.

Or. en

Amendment 485

Philippe Juvin

Proposal for a regulation

Article 35 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission may adopt implementing acts setting out the details of the designation and participation of other entities in the alert mechanism. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. fr

Amendment 486

João Pimenta Lopes

Proposal for a regulation

Article 35 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission may adopt implementing acts setting out the details of the designation and participation of other entities in the alert mechanism. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. pt

Amendment 487

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 35 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission may adopt implementing acts setting out the details of the designation and participation of other entities in the alert mechanism. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

deleted

Or. en

Amendment 488
Jiří Pospíšil

Proposal for a regulation
Article 35 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission may adopt implementing acts setting out the details of the designation and participation of other entities in the alert mechanism. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

deleted

Or. cs

Amendment 489
Philippe Juvin

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission may adopt implementing acts setting out the details of the exchange of other information

deleted

relevant for the detection of infringements under this Regulation. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. fr

Amendment 490
João Pimenta Lopes

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

Amendment

2. *The Commission may adopt implementing acts setting out the details of the exchange of other information relevant for the detection of infringements under this Regulation. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* **deleted**

Or. pt

Amendment 491
Julia Reda

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

Amendment

2. *The Commission may adopt implementing acts setting out the details of the exchange of other information relevant for the detection of infringements under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* **deleted**

Amendment 492

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 36 – paragraph 2

Text proposed by the Commission

Amendment

2. *The Commission may adopt
implementing acts setting out the details
of the exchange of other information
relevant for the detection of infringements
under this Regulation. Those
implementing acts shall be adopted in
accordance with the examination
procedure referred to in Article 48(2).* **deleted**

Amendment 493

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 37 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) *the training of their officials
involved in enforcing consumer
protection, including language training,
and the organisation of training
seminars;* **deleted**

Amendment 494

Maria Grapini

Proposal for a regulation

Article 37 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the training of their officials involved in enforcing consumer protection, including language training, and the organisation of training seminars;

(a) the training of their officials involved in ***implementing this Regulation*** ***and*** enforcing consumer protection, including language training, and the organisation of training seminars;

Or. ro

Amendment 495
Maria Grapini

Proposal for a regulation
Article 37 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the development of standards, methodologies and guidelines ***for officials involved in enforcing consumer protection***;

(e) the development of standards, methodologies and guidelines ***relating to enforcing this Regulation***;

Or. ro

Amendment 496
Maria Grapini

Proposal for a regulation
Article 37 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) ***the exchange of their officials, including the ability to carry out activities under Chapters III and IV.***

deleted

Or. ro

Amendment 497
Maria Grapini

Proposal for a regulation
Article 37 – paragraph 2

Text proposed by the Commission

(2) Member States shall coordinate and jointly organise the activities set out in paragraph 1.

Amendment

(2) Member States shall coordinate and jointly organise the activities *in the areas* set out in paragraph 1.

Or. ro

Amendment 498
Philippe Juvin

Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

4. The Commission may adopt implementing acts necessary to develop the framework for cooperation under paragraphs 1 and 2. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment

deleted

Or. fr

Amendment 499
João Pimenta Lopes

Proposal for a regulation
Article 37 – paragraph 4

Text proposed by the Commission

4. The Commission may adopt implementing acts necessary to develop the framework for cooperation under paragraphs 1 and 2. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment

deleted

Amendment 500

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 37 – paragraph 4

Text proposed by the Commission

Amendment

**4. *The Commission may adopt
implementing acts necessary to develop
the framework for cooperation under
paragraphs 1 and 2. Those implementing
acts shall be adopted in accordance with
the examination procedure referred to in
Article 48(2).*** *deleted*

Or. en

Amendment 501

Julia Reda

Proposal for a regulation

Article 37 – paragraph 4

Text proposed by the Commission

Amendment

**4. *The Commission may adopt
implementing acts necessary to develop
the framework for cooperation under
paragraphs 1 and 2. Those implementing
acts shall be adopted in accordance with
the examination procedure referred to in
Article 48(2).*** *deleted*

Or. en

Amendment 502

Philippe Juvin

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission may adopt
implementing acts necessary to develop
the framework for exchange of
information referred to paragraph 1. The
implementing acts shall be adopted in
accordance with the examination
procedure referred to in Article 48(2).* *deleted*

Or. fr

Amendment 503
Julia Reda

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission may adopt
implementing acts necessary to develop
the framework for exchange of
information referred to paragraph 1.
Those implementing acts shall be adopted
in accordance with the examination
procedure referred to in Article 48(2).* *deleted*

Or. en

Amendment 504
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission may adopt
implementing acts necessary to develop
the framework for exchange of
information referred to paragraph 1.
Those implementing acts shall be adopted
in accordance with the examination* *deleted*

procedure referred to in Article 48(2).

Or. en

Amendment 505
João Pimenta Lopes

Proposal for a regulation
Article 39 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission may adopt implementing acts necessary to develop the framework for exchange of information referred to paragraph 1. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).* *deleted*

Or. pt

Amendment 506
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 41 – paragraph 1

Text proposed by the Commission

Amendment

1. Information collected *pursuant to Article 8 which is* communicated to the competent authorities and the Commission shall only be used for the *purposes* of ensuring compliance with the laws that protect consumers' interests.

1. Information collected *by or* communicated to the competent authorities and the Commission shall only be used for the *purpose* of ensuring compliance with the *Union* laws that protect consumers' interests.

Or. en

Amendment 507
Julia Reda

Proposal for a regulation

Article 41 – paragraph 2 – introductory part

Text proposed by the Commission

2. Information communicated in any form to persons working for competent authorities, courts, other public authorities and the Commission, including information notified to the Commission and stored on the database referred to in Article 43, shall be confidential and shall be covered by the obligations of professional secrecy where its disclosure would ***undermine***:

Amendment

2. Information communicated in any form to persons working for competent authorities, courts, other public authorities and the Commission, including information notified to the Commission and stored on the database referred to in Article 43, shall be confidential and shall be covered by the obligations of professional secrecy where its disclosure would ***unreasonably prejudice***:

Or. en

Amendment 508

Lara Comi, Elisabetta Gardini

Proposal for a regulation

Article 41 – paragraph 3 – introductory part

Text proposed by the Commission

3. Notwithstanding paragraph 2, the competent authorities may use and ***disclose*** the information necessary:

Amendment

3. Notwithstanding paragraph 2, the competent authorities may use and ***communicate*** the information necessary:

Or. it

Amendment 509

Julia Reda

Proposal for a regulation

Article 41 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) matters of public interest, such as public safety, consumer protection, public health and environmental protection.

Or. en

Amendment 510
João Pimenta Lopes

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission

1. Competent authorities may use any information, documents, findings, statements, certified true copies or intelligence communicated as evidence, ***irrespective of their format and medium on which they are stored.***

Amendment

1. Competent authorities may use any information, documents, findings, statements, certified true copies or intelligence communicated as evidence, ***in accordance with the national law in force.***

Or. pt

Amendment 511
Othmar Karas

Proposal for a regulation
Article 42 – paragraph 1

Text proposed by the Commission

(1) Competent authorities may use any information, documents, findings, statements, certified true copies or intelligence communicated as evidence, irrespective of their format and medium on which they are stored.

Amendment

(Does not affect the English version.)

Or. de

Justification

Amendment 512
Jiří Pospíšil

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. ***Evidence***, documents, information, explanations and investigation findings made by a competent authority in one Member State in accordance with **Article 8** may be used for proceedings initiated in application of this Regulation by competent authorities in other Member States ***without further formal requirements***.

Amendment

2. ***Member States shall ensure that evidence***, documents, information, explanations and investigation findings made by a competent authority in one Member State in accordance with **Articles 8 and 9** may be used for proceedings initiated in application of this Regulation by competent authorities in other Member States ***in accordance with the applicable legal requirements***.

Or. cs

Amendment 513
João Pimenta Lopes

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. Evidence, documents, information, explanations and investigation findings made by a competent authority in one Member State in accordance with Article 8 may be used for proceedings initiated in application of this Regulation by competent authorities in other Member States ***without further formal requirements***.

Amendment

2. Evidence, documents, information, explanations and investigation findings made by a competent authority in one Member State in accordance with Article 8 may be used, ***in accordance with the national law in force***, for proceedings initiated in application of this Regulation by competent authorities in other Member States.

Or. pt

Amendment 514
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

2. Evidence, documents, information, explanations and investigation findings

Amendment

2. Evidence, documents, information, explanations and investigation findings

made by a competent authority in one Member State ***in accordance with Article 8*** may be used for proceedings initiated in application of this Regulation by competent authorities in other Member States without further formal requirements.

made by a competent authority in one Member State may be used for proceedings initiated in application of this Regulation by competent authorities in other Member States without further formal requirements.

Or. en

Amendment 515
João Pimenta Lopes

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

1. The Commission shall establish and maintain the necessary electronic database in which it shall store and process the information received to support mutual assistance requests pursuant to Chapter III, measures pursuant to Chapter IV and the surveillance mechanism pursuant to Chapter V. The database shall be made available for consultation to the competent authorities and the Commission.

Amendment

1. The Commission shall, ***in cooperation with the Member States***, establish and maintain the necessary electronic database in which it shall store and process the information received to support mutual assistance requests pursuant to Chapter III, measures pursuant to Chapter IV and the surveillance mechanism pursuant to Chapter V. The database shall be made available for consultation to the competent authorities and the Commission.

Or. pt

Amendment 516
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 43 – paragraph 2

Text proposed by the Commission

2. Information provided by other authorities, entities and designated bodies shall be stored and processed in the electronic database but those authorities,

Amendment

2. Information provided by other authorities, entities ***referred to in Article 35*** and designated bodies shall be stored and processed in the electronic database

entities and designated bodies shall not have access to *this* database.

but those authorities, entities and designated bodies shall not have access to *that* database.

Or. en

Amendment 517
Carlos Coelho

Proposal for a regulation
Article 43 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Where a competent authority, a designated body or another entity as referred to in Article 35 establishes that a notification of an infringement given by it pursuant to Articles 34 and 35 has subsequently proved to be unfounded, it shall withdraw that notification. The Commission shall without delay remove the relevant information from the database, and shall inform the parties of the reasons for that removal.*

Or. pt

Amendment 518
João Pimenta Lopes

Proposal for a regulation
Article 43 – paragraph 4

Text proposed by the Commission

Amendment

4. *The Commission shall adopt implementing acts necessary to implement the database. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*

deleted

Or. pt

Amendment 519
João Pimenta Lopes

Proposal for a regulation
Article 44 – paragraph 1

Text proposed by the Commission

Member States shall waive all claims for the reimbursement of expenses incurred in applying this Regulation. However, the Member State of the applicant authority shall remain liable to the Member State of the requested authority for any costs and any losses incurred as a result of measures dismissed and held to be unfounded by a court as far as the substance of the infringement in question is concerned.

Amendment

The Member State of the applicant authority shall remain liable to the Member State of the requested authority for any costs and any losses incurred as a result of measures dismissed and held to be unfounded by a court as far as the substance of the infringement in question is concerned.

Or. pt

Amendment 520
Othmar Karas

Proposal for a regulation
Article 44 – paragraph 1

Text proposed by the Commission

Member States shall waive all claims for the reimbursement of expenses incurred in applying this Regulation. However, the Member State of the applicant authority shall remain liable to the Member State of the requested authority for any costs and any losses incurred as a result of measures dismissed and held to be unfounded by a court as far as the substance of the infringement in question is concerned.

Amendment

(Does not affect the English version.)

Or. de

Justification

Amendment 521

Carlos Coelho

Proposal for a regulation

Article 45 – paragraph 1 – point a

Text proposed by the Commission

(a) information concerning market trends that may affect consumers' interests in their Member State, ***thus highlighting issues that may be likely to exist in other Member States;***

Amendment

(a) information concerning market trends that may affect consumers' interests in their Member State;

Or. pt

Amendment 522

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 45 – paragraph 1 – point f

Text proposed by the Commission

(f) ***an overview of resources available and committed for enforcement of the laws that protect consumers' interests in the Member State for the two years;***

Amendment

deleted

Or. en

Amendment 523

Maria Grapini

Proposal for a regulation

Article 46

Text proposed by the Commission

Article 46

Monitoring and implementation of national enforcement plans

Amendment

deleted

(1) The Commission shall monitor the implementation of the national enforcement plans. The Commission may give advice concerning the implementation of national enforcement plans, establish benchmarks as regards resources necessary for the implementation of this Regulation and promote best practices.

(2) The Commission shall adopt implementing acts necessary to develop the online standard forms and details of the national enforcement plans referred to in Article 45. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. ro

Amendment 524

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation

Article 46

Text proposed by the Commission

Amendment

Article 46

deleted

Monitoring and implementation of national enforcement plans

1. The Commission shall monitor the implementation of the national enforcement plans. The Commission may give advice concerning the implementation of national enforcement plans, establish benchmarks as regards resources necessary for the implementation of this Regulation and promote best practices.

2. The Commission shall adopt implementing acts necessary to develop the online standard forms and details of the national enforcement plans referred to

in Article 45. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. en

Amendment 525

Kaja Kallas, Dita Charanzová

Proposal for a regulation

Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall ensure that the implementation of national enforcement plans and enforcement measures taken by national authorities enforce Union legislation in a uniform manner.

Or. en

Amendment 526

João Pimenta Lopes

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall adopt implementing acts necessary to develop the online standard forms and details of the national enforcement plans referred to in Article 45. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

deleted

Or. pt

Amendment 527
Philippe Juvin

Proposal for a regulation
Article 47 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Those penalties shall be effective, proportionate and dissuasive.

Or. fr

Amendment 528
João Pimenta Lopes

Proposal for a regulation
Article 48

Text proposed by the Commission

Amendment

Article 48

deleted

Committee

1. The Commission shall be assisted by a Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Or. pt

Amendment 529
Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova

Proposal for a regulation
Article 48 a (new)

Text proposed by the Commission

Amendment

Article 48a

Data protection

With regard to the processing of personal

data within the framework of this Regulation, competent authorities shall carry out their tasks pursuant to this Regulation in accordance with Regulation (EU) 2016/679.

Or. en

Amendment 530

Julia Reda

Proposal for a regulation

Article 50 – paragraph 2

Text proposed by the Commission

The report shall contain an evaluation of the application of the Regulation including an assessment of the effectiveness of enforcement of the laws that protect consumers' interests under this Regulation and an examination of, among others, how the compliance with the laws that protect consumers' interests by traders has evolved in key consumer markets concerned by cross-border trade.

Amendment

The report shall contain an evaluation of the application of the Regulation including an assessment of the effectiveness of enforcement of the laws that protect consumers' interests under this Regulation and an examination of, among others, how the compliance with the laws that protect consumers' interests by traders has evolved in key consumer markets concerned by cross-border trade. ***The Commission shall assess, in particular, the effectiveness of the following:***

- (a) the powers provided under Article 8;***
- (b) the threshold set for widespread infringements with a Union dimension;***
- (c) the system of exchange of information on infringements as provided for by Article 43.***

That report shall be accompanied, where necessary, by legislative proposals.

Or. en

Amendment 531

Julia Reda

Proposal for a regulation

Article 50 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

By ... [the date of entry into force of this Regulation] and every two years thereafter, the Commission shall submit to the European Parliament and to the Council a report containing an overview of the information exchanged, including information concerning developments in the area of consumer law enforcement and statistical information, under the surveillance mechanism established pursuant to Article 33, including posted alerts and follow-up actions taken in relation to external alerts, and an overview of widespread infringements and widespread infringements with a Union dimension.

Or. en

Amendment 532

Carlos Coelho

Proposal for a regulation

Article 51

Regulation (EU) No 2006/2004

Regulation (EU) No 2006/2004

Text proposed by the Commission

Amendment

Article 51

deleted

***Amendment of the Annex to Regulation
(EU) No 2006/2004***

***In the Annex to Regulation (EU) No
2006/2004 the following points are added:***

***‘18. "18. Directive 2011/83/EU of the
European Parliament and of the Council
of 25 October 2011 on consumer rights
(OJ L 304, 22.11.2011, p.64).***

***19. Directive 2006/123/EC of the
European Parliament and of the Council
of 12 December 2006 on services in the***

internal market: Article 20 (OJ L 376, 27.12. 2006, p. 36).

20. Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on railway passenger rights and obligations (OJ L 315, 3.12.2007, p. 14).

21. Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).

22. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community: Articles 22, 23 and 24 (OJ L 293, 31.10.2008, p. 3).

23. Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property: Articles 10, 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, Chapter 10 and Annexes I and II (OJ L 60, 28.2.2014, p. 34).

24. Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features, Articles 4 to 18 and 20(2) (OJ L 257, 28.8.2014, p. 214)."

Or. pt

Amendment 533

Maria Grapini

Proposal for a regulation

Article 53 – paragraph 2

Text proposed by the Commission

Amendment

This Regulation shall apply from [**one year** after its entry into force].

This Regulation shall apply from [**18 months** after its entry into force].

Or. ro

Amendment 534

Carlos Coelho

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

Amendment

However, Article 51 shall apply from [the entry into force of this Regulation].

deleted

Or. en

Amendment 535

Carlos Coelho, Ildikó Gáll-Pelcz, Ivan Štefanec, Eva Paunova, Róza Gräfin von Thun und Hohenstein

Proposal for a regulation

Annex I – point 24 a (new)

Text proposed by the Commission

Amendment

24a. Regulation (EU) XXXX/XX of the European Parliament and of the Council on addressing geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC.

Or. en