



2016/0148(COD)

6.2.2017

AMENDMENTS

26 - 177

Draft opinion
Kostas Chrysogonos
(PE595.729v01-00)

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 26
Daniel Buda

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Regulation (EC) No 2006/2004 of the European Parliament and of the Council⁵⁸ provides for harmonised rules and procedures to facilitate cooperation between national authorities responsible for the enforcement of cross-border consumer protection laws. Article 21a provides for a review of the effectiveness and operational mechanisms of that Regulation and pursuant to that Article, the Commission concluded that Regulation (EC) No 2006/2004 is not sufficient to effectively address the enforcement challenges of the Single Market, *and in particular* the Digital Single Market,

⁵⁸ Regulation (EC) 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ L 364, 9.12.2004, p. 1).

Amendment

I. Regulation (EC) No 2006/2004 of the European Parliament and of the Council⁵⁸ provides for harmonised rules and procedures to facilitate cooperation between national authorities responsible for the enforcement of cross-border consumer protection laws. Article 21a *of Regulation (EC) No 2006/2004* provides for a review of the effectiveness and operational mechanisms of that Regulation and pursuant to that Article, the Commission concluded that Regulation (EC) No 2006/2004 is not sufficient to effectively address the enforcement challenges of the Single Market, *especially* the Digital Single Market, *The Commission report shows that the current Regulation needs to be replaced to respond to the challenges of the digital economy and the development of cross-border retail trade in the EU.*

Or. ro

Amendment 27
Daniel Buda

Proposal for a regulation
Recital 2

Text proposed by the Commission

Amendment

(2) The Digital Single Market Strategy adopted by the Commission on 6 May 2015 identified as one of the priorities the need to enhance consumer trust through more rapid, agile *and consistent* enforcement of consumer rules. The Single Market Strategy adopted by the Commission on 28 October 2015 reiterated that enforcing Union consumer protection legislation should be further strengthened by the Regulation on Consumer Protection Cooperation,

(2) The Digital Single Market Strategy adopted by the Commission on 6 May 2015 identified as one of the priorities the need to enhance consumer trust through more rapid, agile, *consistent and coherent* enforcement of consumer rules. The Single Market Strategy adopted by the Commission on 28 October 2015 reiterated that enforcing Union consumer protection legislation should be further strengthened by *the revision of* the Regulation on Consumer Protection Cooperation,

Or. ro

Amendment 28
Virginie Rozière, Victor Negrescu

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The Digital Single Market Strategy adopted by the Commission on 6 May 2015 identified as one of the priorities the need to enhance consumer trust through more rapid, *agile* and consistent enforcement of consumer rules. The Single Market Strategy adopted by the Commission on 28 October 2015 reiterated that enforcing Union consumer protection legislation should be further strengthened by the Regulation on Consumer Protection Cooperation,

Amendment

(2) The Digital Single Market Strategy adopted by the Commission on 6 May 2015 identified as one of the priorities the need to enhance consumer trust through more rapid and consistent enforcement of consumer rules. The Single Market Strategy adopted by the Commission on 28 October 2015 reiterated that enforcing Union consumer protection legislation should be further strengthened by the Regulation on Consumer Protection Cooperation,

Or. fr

Amendment 29
Daniel Buda

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) The resulting ineffective
PE599.630v01-00

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 cross-border, and thus directly harming consumers and ***undermine***ing 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,

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 (***whether online or offline***) either domestically or cross-border, and thus directly ***and significantly*** harming ***the single market and*** 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 ***provide an efficient and proportionate response to*** widespread infringements ***with a Union dimension that significantly harm consumers and the single market,***

Or. ro

Amendment 30
Virginie Rozière, Victor Negrescu

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to ensure legal certainty and the effectiveness of implementing measures relating to cross-border infringements which have ceased, a limitation period should be introduced. This will involve the setting of an unambiguous period of time within which competent authorities, when enforcing the rules governing cross-border infringements, may impose sanctions, order the compensation of consumers or order the restitution of profits obtained as a result of infringements,

Or. fr

Amendment 31

Daniel Buda

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Competent authorities should have a minimum set of powers of investigation and enforcement to apply this Regulation effectively, to **cooperate** with each other, and to deter traders from committing intra-Union infringements and widespread infringements. Those powers should be adequate to tackle the enforcement challenges of e-commerce and the digital environment where the possibilities of a trader easily concealing its identity or changing it are of particular concern. Those powers should ensure that evidence can be validly exchanged among competent authorities to achieve effective enforcement at an equal level in all Member States,

Amendment

(6) Competent authorities should have a minimum set of powers of investigation and enforcement to apply this Regulation effectively, to **ensure efficient and legally sound cross-border cooperation** with each other, and to deter traders from committing intra-Union infringements and widespread infringements. Those powers should be **balanced**, adequate **and sufficient** to tackle the enforcement challenges of e-commerce and the digital environment where the possibilities of a trader easily concealing its identity or changing it are of particular concern. Those powers should ensure that **information and** evidence can be validly exchanged among competent authorities to achieve effective enforcement at an equal level in all Member States,

Or. ro

Amendment 32

Virginie Rozière, Victor Negrescu

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Member States may choose whether the competent authorities exercise those powers directly under their own authority or by application to the competent courts. Where the Member States choose that competent authorities exercise their powers by application to the competent courts, Member States should ensure that those powers can be exercised effectively and in a timely manner and that

Amendment

(7) ***This Regulation does not affect the freedom of Member States to choose the enforcement system they deem appropriate.*** Member States may choose whether the competent authorities exercise those powers directly under their own authority or by application to the competent courts. Where the Member States choose that competent authorities exercise their powers by application to the

the cost of exercise of those powers be proportionate and does not hamper the application of this Regulation,

competent courts, Member States should ensure that those powers can be exercised effectively and in a timely manner and that the cost of exercise of those powers be proportionate and does not hamper the application of this Regulation,

Or. fr

Amendment 33

Julia Reda

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Competent authorities should be in a position to open investigations on their own initiative if they become aware of intra-Union infringements or widespread infringements by means other than consumer complaints. This is particularly necessary to ensure effective cooperation among competent authorities when addressing widespread infringements,

Amendment

(9) Competent authorities should be in a position to open investigations on their own initiative if they become aware of intra-Union infringements or widespread infringements by means other than consumer complaints. This is particularly necessary to ensure effective cooperation among competent authorities when addressing widespread infringements, ***but also to support national jurisdictions when implementing Council Regulation 44/2001^{1a}***,

^{1a} Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 12, 16.1.2001, p. 1).

Or. en

Amendment 34

Virginie Rozière, Victor Negrescu

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) Competent authorities should be in a position to open investigations on their own initiative if they become aware of intra-Union infringements or widespread infringements by means other than consumer complaints. ***This is particularly necessary to ensure effective cooperation among competent authorities when addressing widespread infringements,***

(9) Competent authorities should be in a position to open investigations on their own initiative if they become aware of intra-Union infringements or widespread infringements by means other than consumer complaints,

Or. fr

Amendment 35
Daniel Buda

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Competent authorities ***should be in a position to*** open investigations on their own initiative if they become aware of intra-Union infringements or widespread infringements by means other than consumer complaints. This is particularly necessary to ensure effective cooperation among competent authorities when addressing widespread infringements,

Amendment

(9) Competent authorities ***may*** open investigations on their own initiative if they become aware of intra-Union infringements or widespread infringements by means other than consumer complaints. This is particularly necessary to ensure effective ***cross-border*** cooperation among competent authorities when addressing widespread infringements,

Or. ro

Amendment 36
Julia Reda

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

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,

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, ***including those located in non-EU countries***, provide all the evidence, data and information necessary; ***in the digital environment, particular attention should be brought to traders and services causing a widespread infringement of Directive 95/46/EC of the European Parliament and of the Council^{1a}, Directive 2002/58/EC of the European Parliament and of the Council^{1b} and of Regulation (EU) 2016/679 of the European Parliament and of the Council^{1c}, which could justify common action under Article 21,***

^{1a} Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

^{1b} Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

^{1c} 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

Daniel Buda

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, ***taking account of compliance with the rules governing personal data and privacy, and the protection of classified information,***

Or. ro

Amendment 38
Virginie Rozière

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Competent authorities should be able to carry out the necessary on-site inspections, and should have the power to enter any premises, land or means of transport that the trader uses for purposes relating to his trade, business, craft or profession,

Or. fr

Amendment 39
Daniel Buda

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) Competent authorities should be able to verify compliance with consumer protection legislation and to obtain evidence of intra-Union infringements or widespread infringements, especially those that take place during or after the purchase of goods and services. They should therefore have the power to make test purchases and to purchase goods or services under a cover identity,

Amendment

(11) Competent authorities should be able to verify compliance with ***national and Union*** consumer protection legislation and to obtain ***information and*** evidence of intra-Union infringements or widespread infringements, especially those that take place during or after the purchase of goods and services. They should therefore have the power to make test purchases and, ***where the evidence cannot be obtained by other means***, to purchase goods or services under a cover identity,

Or. ro

Amendment 40
Julia Reda, Kaja Kallas

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, ***requesting hosting service providers to remove content, suspend a website, service or account, or requesting 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 ***request a hosting service provider to remove content, close down a***

website, service or account or a part of it, or request a registry or registrar to delete a fully qualified domain name. However, measures to remove content can be harmful to freedom of speech and information, but also ineffective as in the fast-moving digital environment content reappears as quickly as it was 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 of the European Union, be limited to what is necessary and proportionate and executed on the basis of a prior judicial authorization,

Or. en

Amendment 41
Daniel Buda

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 ***take effective and transparent measures 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 42

Julia Reda

Proposal for a regulation

Recital 12 a (new)

Text proposed by the Commission

Amendment

(12 a) The goal of this Regulation is to effectively cease 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 a last resort in case the removal of content has been unsuccessful.

Or. en

Amendment 43

Daniel Buda

Proposal for a regulation

Recital 15

Text proposed by the Commission

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,

(15) The effectiveness and efficacy of the mutual assistance mechanism should be improved. Information requested should be provided in a timely manner, ***within clear time limits***, and the necessary enforcement measures should be adopted in a timely ***and transparent*** manner. The Commission should therefore set ***clear and*** 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. ro

Amendment 44

Gilles Lebreton, Marie-Christine Boutonnet

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 ***indicative*** 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. fr

Amendment 45

Virginie Rozière, Victor Negrescu

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Coordinated screening of online e-commerce websites (sweeps) ***are*** another form of enforcement coordination that has proven to be an effective tool against infringements that should be retained and strengthened in the future,

Amendment

(18) Coordinated screening of online e-commerce websites (sweeps) ***is*** another form of enforcement coordination that has proven to be an effective tool against infringements that should be retained and strengthened in the future, ***including by extending its application to offline sectors,***

Or. fr

Amendment 46

Daniel Buda

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) Coordinated screening of online e-commerce websites (sweeps) **are** another form of enforcement coordination that has proven to be an effective tool against infringements that should be retained and strengthened in the future,

Amendment

(18) Coordinated screening of online e-commerce websites (sweeps) **is** another form of enforcement coordination that has proven to be an effective tool against infringements that should be retained and strengthened in the future, ***including by extending it to offline sectors,***

Or. ro

Amendment 47
Virginie Rozière, Victor Negrescu

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) ***Widespread*** infringements with a Union dimension may cause ***large scale*** harm to a majority of ***consumers in the Union. They therefore require a specific*** Union-level coordination procedure ***with the Commission as the mandatory coordinator.*** To ensure ***that the procedure is launched in a timely, coherent and effective manner and that the conditions are verified in a uniform manner,*** the Commission should be in charge of verifying whether the conditions for the launch of the procedure are fulfilled. Evidence and information collected during the ***common*** action should be used seamlessly in national proceedings when required,

Amendment

(19) ***In the case of widespread*** infringements with a Union dimension ***that*** may cause harm to ***consumers' collective interests in*** a majority of ***Member States, the Commission should launch and manage a*** Union-level coordination procedure. To ensure ***procedural coherence,*** the Commission should be in charge of verifying whether the conditions for the launch of the procedure are fulfilled. Evidence and information collected during the ***coordinated*** action should be used seamlessly in national proceedings when required,

Or. fr

Amendment 48
Daniel Buda

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Widespread infringements with a Union dimension may cause **large scale** harm to a majority of consumers in the Union. **They** therefore **require** a specific Union-level coordination procedure with the Commission as the mandatory coordinator. To ensure that the procedure is launched in a timely, coherent and effective manner and that the conditions are verified in a uniform manner, the Commission should be in charge of verifying whether the conditions for the launch of the procedure are fulfilled. Evidence and information collected during the **common** action should be used seamlessly in national proceedings when required,

Amendment

(19) Widespread infringements with a Union dimension may cause **significant** harm to **the single market and to** a majority of consumers in the Union. **In order to combat them,** therefore, **the Commission should launch and coordinate** a specific Union-level coordination procedure with the Commission as the mandatory coordinator. To ensure that the procedure is launched in a timely, coherent and effective manner and that the conditions are verified in a uniform manner, the Commission should be in charge of verifying whether the conditions for the launch of the procedure are fulfilled. Evidence and information collected during the **coordinated** action should be used seamlessly in national proceedings when required,

Or. ro

Amendment 49

Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Widespread infringements with a Union dimension may cause large scale harm to a majority of consumers in the Union. They therefore require a specific Union-level coordination procedure with the Commission as the **mandatory** coordinator. To ensure that the procedure is launched in a timely, coherent and effective manner and that the conditions are verified in a uniform manner, the Commission should be in charge of verifying whether the conditions for the launch of the procedure are fulfilled. Evidence and information collected during the common action should be used

Amendment

(19) Widespread infringements with a Union dimension may cause large scale harm to a majority of consumers in the Union. They therefore require a specific Union-level coordination procedure with the Commission as the coordinator. To ensure that the procedure is launched in a timely, coherent and effective manner and that the conditions are verified in a uniform manner, the Commission should be in charge of verifying whether the conditions for the launch of the procedure are fulfilled. Evidence and information collected during the common action should be used seamlessly in national proceedings

seamlessly in national proceedings when required,

when required,

Or. fr

Amendment 50
Daniel Buda

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 ***infringements***, widespread infringements and widespread infringement with a Union dimension, ***access to justice and*** the rights of defence of the traders concerned should be respected. ***Inter alia, this*** requires, in particular, giving the trader the right to be heard and to use the language of its choice during the proceedings,

Or. ro

Amendment 51
Daniel Buda

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) In order to analyse developments in the area of enforcement of consumer protection law and improve cooperation networks, the Commission should submit regular public reports containing statistics and summarising developments in the area of consumer protection law enforcement, collected within the framework of the cooperation provided for by this Regulation,

Or. ro

Amendment 52

Daniel Buda

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Data related to consumer complaints may help policymakers at a national and Union level to assess the functioning of consumer markets and detect infringements. With a view to facilitating the exchange of such data at a Union level, the Commission has adopted a Recommendation on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries⁵⁹. ***That Recommendation should be implemented*** to fully support enforcement cooperation and facilitate the detection of intra-Union infringements and widespread infringements,

⁵⁹ Commission Recommendation on the use of harmonised methodology for classifying consumer complaints and enquiries (2010/304/EU, OJ L 136, 2.6. 2010, p. 1-31).

Amendment

(25) Data related to consumer complaints may help policymakers at a national and Union level to assess the functioning of consumer markets and detect infringements ***or risks of infringements***. With a view to facilitating the exchange of such data at a Union level, the Commission has adopted a Recommendation on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries⁵⁹. ***The Member States should implement that Recommendation in order to fully support and encourage cross-border*** enforcement cooperation and facilitate the detection of intra-Union infringements and widespread infringements,

Or. ro

Amendment 53

Gilles Lebreton, Marie-Christine Boutonnet

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***

Amendment

deleted

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).

Or. fr

Amendment 54
Julia Reda

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 the 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 55
Lidia Joanna Geringer de Oedenberg

Proposal for a regulation
Recital 29 a (new)

(29 a) The European Small Claims Procedure should be promoted as an alternative to the procedures existing under the laws of the Member States. A judgment given in the European Small Claims Procedure is recognized and enforceable in all other Member States without a need for declaration of enforceability. This procedure provides an inexpensive and easy way to pursue a cross-border claim in civil and in commercial matters;

Or. en

Amendment 56

Daniel Buda

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.

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 ***guarantee that the principle of proportionality is respected and*** 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. ro

Amendment 57

Julia Reda

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 58

Daniel Buda

Proposal for a regulation

Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) This Regulation should be interpreted and applied in full compliance with the Union rules on the protection and processing of personal data,

Or. ro

Amendment 59

Virginie Rozière, Victor Negrescu

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 intra-Union infringements and widespread infringements defined in points (b) and (c) of Article 3, ***even if those infringements have ceased before enforcement started or could be completed.***

Or. fr

Amendment 60
Virginie Rozière, Victor Negrescu

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. ***This Regulation also applies to short-lived intra-Union infringements and widespread infringements, even if those infringements have ceased before enforcement started or could be completed.***

Amendment

deleted

Or. fr

Amendment 61
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.

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).

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 62
Julia Reda

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

Text proposed by the Commission

Amendment

8 a. 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 63
Daniel Buda

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

Text proposed by the Commission

Amendment

(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;

(2) any acts or omissions contrary to laws that protect consumers interests **and that harmed, harm, or are likely to harm consumers' collective interests and** 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;

Or. ro

Amendment 64

Virginie Rozière, Victor Negrescu

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ea) 'widespread infringement with a Union dimension' means a widespread infringement that harmed, harms or is likely to harm consumers' collective interests in a majority of the Member States;

(The French version of Article 3 of the Commission proposal contains numbering errors. Points (c) to (k) are, in reality, points (a) to (i).)

Or. fr

Amendment 65

Daniel Buda

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ea) 'competent authority' means any public authority established at national, regional or local level with specific responsibilities to enforce laws that protect consumers' interests;

Or. ro

Amendment 66

Daniel Buda

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(eb) 'single liaison office' means the public authority designated by each Member State to be responsible for

Or. ro

Amendment 67

Daniel Buda

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 a **reasonable** 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 **reasonable** number of consumers in a similar situation.

Or. ro

Amendment 68

Virginie Rozière, Victor Negrescu

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 **stop** traders from engaging in such infringements in the future. The competent authorities may impose penalties, **order that consumers who have been harmed should be compensated, or order the restitution of undue profits** for those infringements within five years from the cessation of the infringement

Or. fr

Amendment 69

Daniel Buda

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 from the cessation of the infringement, ***pursuant to Article 8(m)(n) and (o).***

Or. ro

Amendment 70

Julia Reda

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 ***use the following powers*** within five years from the cessation of the infringement:

Or. en

Amendment 71

Julia Reda

Proposal for a regulation

Article 4 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) to impose sanctions, as provided for in point (m) of Article 8(2);

Or. en

Amendment 72

Julia Reda

Proposal for a regulation

Article 4 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) to order the trader responsible to compensate consumers who have suffered harm as a consequence of the infringement, as provided for in point (n) of Article 8(2); and

Or. en

Amendment 73

Julia Reda

Proposal for a regulation

Article 4 – paragraph 1 – point c (new)

Text proposed by the Commission

Amendment

(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 74

Virginie Rozière, Victor Negrescu

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

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

2. The limitation period for the imposition of penalties, ***and for payment of compensation and restitution of undue profits***, shall begin to run on the day on which the infringement ceased.

Or. fr

Amendment 75
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 76
Daniel Buda

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 ***the sanctions under paragraph 1*** shall begin to run on the day on which the infringement ceased.

Or. ro

Amendment 77
Virginie Rozière, Victor Negrescu

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 the imposition of penalties, ***and for payment of compensation and restitution of undue profits***, until the final decision concerning the matter is adopted. The limitation period for the imposition of penalties, ***and for payment of compensation and restitution of undue profits***, 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. fr

Amendment 78
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 79
Daniel Buda

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. 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 ***imposing the sanctions under paragraph 1*** until the final decision concerning the matter is adopted. The limitation period for the imposition of ***sanctions*** 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. ro

Amendment 80
Daniel Buda

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

3. ***Each Member State shall designate one competent authority as single liaison office.***

Amendment

deleted

Or. ro

Amendment 81
Daniel Buda

Proposal for a regulation
Article 5 – paragraph 4

Text proposed by the Commission

4. The single liaison office shall ***be responsible for coordinating*** investigation and enforcement activities related to intra-Union infringements and widespread

Amendment

4. The single liaison office shall ***coordinate*** investigation and enforcement activities related to intra-Union infringements and widespread

infringements by the competent authorities, other public authorities as set out in Article 6, designated bodies as set out in Article 13 and entities participating in the alert mechanism as set out in Article 34.

infringements by the competent authorities, other public authorities as set out in Article 6, designated bodies as set out in Article 13 and entities participating in the alert mechanism as set out in Article 34.

Or. ro

Amendment 82
Daniel Buda

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The single liaison office shall not be responsible for the actions or omissions of the competent authorities, of the other public authorities referred to in Article 6, of the designated bodies referred to in Article 13 or of the bodies participating in the alert mechanism provided for in Article 34;

Or. ro

Amendment 83
Daniel Buda

Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission

Amendment

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.

5. ***The Commission may provide support to the*** Member States ***to*** 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.

Or. ro

Amendment 84

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 85

Daniel Buda

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

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***.

Amendment

1. Each Member State shall communicate without delay to the Commission 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, ***information on their organisation and powers, and*** any changes ***to them***.

Or. ro

Amendment 86

Virginie Rozière, Victor Negrescu

Proposal for a regulation

Article 8 – paragraph 1

PE599.630v01-00

32/73

AM\1116617EN.docx

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. fr

Amendment 87

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 88

Virginie Rozière, Victor Negrescu

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. Each competent authority shall have at least the following powers and exercise them under the conditions set out in Article 9, ***for the purpose of performing the tasks assigned to them by this Regulation***, to:

Or. fr

Amendment 89
Daniel Buda

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, 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; ***these provisions must be interpreted and applied in full compliance with the Union rules on the protection and processing of personal data;***

Or. ro

Amendment 90
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 the rules of the EU 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 91
Virginie Rozière, Victor Negrescu

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 the data protection rules of the European Union,*** the supply by any natural or legal person, including banks, internet ***service providers, payment*** 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. fr

Amendment 92
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

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 *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;

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 93
Daniel Buda

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) (d) carry out the necessary on-site inspections, including the power to enter any premises, land or means of transport *that the trader owns or uses for purposes related to his trade, business, craft or profession*, 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 94
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 95

Julia Reda, Kaja Kallas

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 ***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 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 executed on the basis of a prior judicial authorisation***;

Or. en

Amendment 96

Virginie Rozière, Victor Negrescu

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,***

Amendment

(g) adopt interim measures, ***where there are no other means available***, to prevent the risk of serious and irreparable harm to consumers, in particular ***by***

service or account;

requiring providers of hosting services to delete content or suspend a website, service or internet account, or requiring that a fully qualified domain name be put on hold for a specified period of time;

Or. fr

Amendment 97

Julia Reda, Kaja Kallas

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 the trader to a request in writing by the competent authorities of a cessation of an infringement, order a hosting service provider to close down a website, service or account or a part of it, 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 executed on the basis of a prior judicial authorisation,*

Or. en

Amendment 98

Virginie Rozière, Victor Negrescu

Proposal for a regulation

Article 8 – paragraph 2 – point 1

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) close down a website, service or ***internet*** account or a part of ***it***, ***delete a fully qualified domain name and allow the competent authority concerned to register*** it, including by requesting a third party or other public authority to implement such measures;

Or. fr

Amendment 99
Julia Reda

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

Text proposed by the Commission

(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.***

Amendment

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

Or. en

Amendment 100
Julia Reda

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

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).

Amendment

deleted

Or. en

Amendment 101
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 102
Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

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).***

Amendment

deleted

Or. fr

Amendment 103
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 104
Julia Reda

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

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.

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 105
Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

Amendment

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 Commission ***in the implementing act***.

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

Or. fr

Amendment 106
Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt* *deleted*
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).

Or. fr

Amendment 107
Julia Reda

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. *The Commission shall adopt* *deleted*
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).

Or. en

Amendment 108
Gilles Lebreton, Marie-Christine Boutonnet

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

(Paragraph 5 of Article 13 of the Commission proposal is incorrectly numbered 6.)

Or. fr

Amendment 109
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

(Please note that the numbering in the COM proposal is not correct. This paragraph should be 5, not 6.)

Or. en

Amendment 110
Daniel Buda

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. In requests for mutual assistance, the applicant authority shall provide

1. In requests for mutual assistance, the applicant authority shall provide *all the*

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.

relevant information 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 111
Daniel Buda

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 **all the relevant** information in accordance with Article 12(1),

Or. ro

Amendment 112
Daniel Buda

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

deleted

Or. ro

Amendment 113
Gilles Lebreton, Marie-Christine Boutonnet

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. fr

Amendment 114
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 115
Julia Reda

Proposal for a regulation
Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15 a

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

Or. en

Amendment 116

Julia Reda

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 *shall* publish the common position or parts of it on their websites and on the Commission website and seek the views of *consumer organisations and* other parties concerned.

Or. en

Amendment 117

Daniel Buda

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*

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 inform the* parties concerned.

consumers.

Or. ro

Amendment 118
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 119
Daniel Buda

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

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 trader concerned. ***When designating a***

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.

competent authority to take enforcement measures, the competent authorities shall take into consideration the location of the trader concerned, while also taking into consideration the protection of consumer interests. 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 120
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 they were its own consumers.

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.

Or. en

Amendment 121
Gilles Lebreton, Marie-Christine Boutonnet

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

Or. fr

Amendment 122
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 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 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 the Commission may request the necessary information or documents from the competent authorities.

Or. en

Amendment 123
Julia Reda

Proposal for a regulation
Article 21 – paragraph 3 – introductory part

Text proposed by the Commission

3. A competent authority may decline to take part in the common action *for one* of the *following reasons*:

Amendment

3. A competent authority may decline to take part in the common action *if a final judgment or a final administrative decision has already been passed in respect of the same infringement against the same trader in that Member State. However, the decision of the competent authority to decline to take part to such action has to be motivated.*

Or. en

Amendment 124
Julia Reda

Proposal for a regulation
Article 21 – paragraph 3 – point a

Text proposed by the Commission

(a) *judicial proceedings have already been initiated concerning the same infringement against the same trader in that Member State;*

deleted

Amendment

Or. en

Amendment 125
Julia Reda

Proposal for a regulation
Article 21 – paragraph 3 – point b

Text proposed by the Commission

(b) *final judgment or a final administrative decision has already been passed in respect of the same infringement against the same trader in that Member State.*

deleted

Amendment

Or. en

Amendment 126
Cecilia Wikström

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission

4. Following the notification of the decision to launch the common action pursuant to paragraph 2, where a competent authority ***decides not*** to take part in the common action, it shall ***without delay*** inform the Commission and the other competent authorities concerned about its decision, ***state the reasons for it pursuant to*** paragraph 3 and provide the necessary supporting documents.

Amendment

4. Following the notification of the decision to launch the common action pursuant to paragraph 2, where a competent authority ***declines*** to take part in the common action ***based on the reasons laid down in paragraph 3***, it shall inform the Commission and the other competent authorities concerned about its decision ***without undue delay. In this case, it shall indicate one of the reasons laid down in*** paragraph 3 and provide the necessary supporting documents.

Or. en

Amendment 127
Julia Reda

Proposal for a regulation
Article 23 – paragraph 3

Text proposed by the Commission

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.

Amendment

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 128
Daniel Buda

Proposal for a regulation
Article 24 – 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 and on the Commission website ***to seek the views of other parties concerned and to verify whether those 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 and on the Commission website, ***to inform the parties concerned.***

Or. ro

Amendment 129
Daniel Buda

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 trader concerned into consideration, ***while consistently taking account of the protection of consumer interests.***

Or. ro

Amendment 130
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 131

Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a regulation

Article 27

Text proposed by the Commission

Article 27

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

Amendment

deleted

Or. fr

Amendment 132

Daniel Buda

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. ro

Amendment 133

Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

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).***

Amendment

deleted

Or. fr

Amendment 134

Julia Reda

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

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***

Amendment

deleted

examination procedure referred to in Article 48(2).

Or. en

Amendment 135

Gilles Lebreton, Marie-Christine Boutonnet

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

Or. fr

Amendment 136

Gilles Lebreton, Marie-Christine Boutonnet

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

Or. fr

Amendment 137

Daniel Buda

Proposal for a regulation

Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34a

Other alert mechanism procedures

1. If the laboratory tests or technical assessments do not confirm the factors that triggered the alert, the competent authorities or the Commission, as appropriate, shall proceed without delay to take all measures necessary to remedy matters and restore balance on the internal market and/or in the market sector where the trader operates, so as to protect the trader and avoid harming his interests.

In this connection, the competent authorities or the Commission, as appropriate, shall inform consumers as soon as possible after a false alert has been identified as such.

2. Where the interests of the trader are harmed as a result, the competent authorities or the Commission, as appropriate, shall take action to compensate him.

3. The measures taken to compensate the trader should, in particular, seek to restore his credibility in the market sector(s) where he operates and/or on the internal market, as appropriate.

Or. ro

Amendment 138

Julia Reda

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. Designated bodies and European Consumer Centres shall participate in the alert mechanism set out in Article 34. Member States shall designate consumer

1. Designated bodies and European Consumer Centres, **on Member State as well as on Union level**, shall participate in the alert mechanism set out in Article 34.

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.

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.

Or. en

Amendment 139

Daniel Buda

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 ***may*** 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. ***In such cases***, Member States shall notify the Commission of those entities without delay.

Or. ro

Amendment 140

Virginie Rozière

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

Amendment

4. The external alerts shall ***mainly*** be 'for information' ***and shall require the competent authorities to verify whether those alerts are based on a reasonable suspicion as referred to in Article 34(1).***

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.

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. **They** shall correct **without delay any error in** the information posted **or shall delete the information**, 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. fr

Amendment 141

Julia Reda

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 and 43.

Amendment

4. The external alerts shall **mainly** be 'for information' **and shall require the competent authorities to verify whether the alerts are based on a reasoned suspicion in accordance with 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. *They shall also be notified of any follow-up actions taken by the competent authority concerned in relation to external 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 142

Daniel Buda

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 and 43.

Amendment

4. 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 *external* 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, *update it* 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. *If the competent authorities, as a result of such alerts, decide to take further action, they shall inform external entities concerned.*

Or. ro

Amendment 143

Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a regulation

Article 35 – paragraph 5

Text proposed by the Commission

5. *The Commission may adopt implementing acts setting out the details of the designation and participation of*

deleted

Amendment

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

Or. fr

Amendment 144
Virginie Rozière, Victor Negrescu

Proposal for a regulation
Article 35 – paragraph 5

Text proposed by the Commission

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).

Amendment

5. The Commission may adopt implementing acts *laying down* details of the designation and participation of *consumer organisations and associations and trader associations* in the alert mechanism *and the means of notification of any follow-up actions taken in relation to external alerts, or the lack of any action*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. fr

Amendment 145
Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

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).*

Amendment

deleted

Amendment 146

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

Or. en

Amendment 147

Daniel Buda

Proposal for a regulation

Article 37 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall inform each other and the Commission of their activities in the following areas:

1. Insofar as deemed necessary to achieve the objectives of this Regulation, Member States shall inform each other and the Commission of their activities in the following areas:

Or. ro

Amendment 148

Daniel Buda

Proposal for a regulation

Article 37 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the training of their officials
AM\1116617EN.docx

(a) the training of their officials
61/73

PE599.630v01-00

involved in enforcing consumer protection, including language training, and the organisation of training seminars;

responsible for implementing this Regulation

Or. ro

Amendment 149
Daniel Buda

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

Text proposed by the Commission

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

Amendment

(e) the development of standards, methodologies and guidelines *concerning the implementation of this Regulation*;

Or. ro

Amendment 150
Daniel Buda

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

Text proposed by the Commission

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

Amendment

deleted

Or. ro

Amendment 151
Daniel Buda

Proposal for a regulation
Article 37 – paragraph 2

Text proposed by the Commission

2. Member States shall coordinate and

Amendment

2. *Insofar as deemed necessary to*

jointly *organise the* activities set out in paragraph 1.

achieve the objectives of this Regulation, Member States shall coordinate and jointly *organize their* activities *in the areas* set out in paragraph 1.

Or. ro

Amendment 152

Gilles Lebreton, Marie-Christine Boutonnet

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. fr

Amendment 153

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 154

Daniel Buda

Proposal for a regulation

Article 39 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States *shall* inform each other and the Commission of their activities in protecting consumers' interests such as:

Amendment

1. Member States *may* inform each other and the Commission of their activities in protecting consumers' interests such as:

Or. ro

Amendment 155

Gilles Lebreton, Marie-Christine Boutonnet

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

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).*

Amendment

deleted

Or. fr

Amendment 156

Julia Reda

Proposal for a regulation

Article 39 – paragraph 3

Text proposed by the Commission

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).*

Amendment

deleted

Amendment 157

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 158

Daniel Buda

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 disclose the information necessary, ***subject to compliance with the fundamental rights of consumers and Union personal data protection and processing law***:

Or. ro

Amendment 159

Julia Reda

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(b a) for reasons of public interest, such as public safety, consumer protection, public health and environmental protection,

Or. en

Amendment 160

Gilles Lebreton, Marie-Christine Boutonnet

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

deleted

Or. fr

Amendment 161

Daniel Buda

Proposal for a regulation

Article 45 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Every two years from xx/xx/20xx [the date of entry into force of this Regulation], each Member State shall submit to the Commission biennial enforcement plans, using a dedicated online standard form provided by the Commission. The enforcement plans shall contain in particular:

1. Every two years from xx/xx/20xx [the date of entry into force of this Regulation], each Member State shall submit to the Commission biennial enforcement plans, using a dedicated online standard form provided by the Commission. *Before submitting the national biennial plans, Member States should consult standard online form and propose amendments thereto, if appropriate. Under no circumstances should the standard online*

form complicate the administrative work of the Member States. The enforcement plans shall contain in particular:

Or. ro

Amendment 162

Daniel Buda

Proposal for a regulation

Article 45 – paragraph 1 – point d

Text proposed by the Commission

(d) the priority areas for the enforcement of *the* laws that protect consumers' interests *for the next two years* in the Member State;

Amendment

(d) the priority areas for the enforcement of *Union* laws that protect consumers' interests in the Member State *concerned*;

Or. ro

Amendment 163

Daniel Buda

Proposal for a regulation

Article 45 – paragraph 1 – point g

Text proposed by the Commission

(g) *a statement of resources committed to the implementation of this Regulation for the next two years.*

Amendment

deleted

Or. ro

Amendment 164

Daniel Buda

Proposal for a regulation

Article 46 – paragraph 1

Text proposed by the Commission

1. The Commission shall monitor the implementation of the national

Amendment

deleted

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.

Or. ro

Amendment 165
Daniel Buda

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

Or. ro

Amendment 166
Gilles Lebreton, Marie-Christine Boutonnet

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

Or. fr

Amendment 167

Daniel Buda

Proposal for a regulation

Article 50 – paragraph 1

Text proposed by the Commission

By [xx/xx/20xx at the latest, no later than within *seven* years from its entry into application], the Commission shall present a report to the European Parliament and the Council on the application of this Regulation.

Amendment

By [xx/xx/20xx at the latest, no later than within *five* years from its entry into application], the Commission shall present a report to the European Parliament and the Council on the application of this Regulation.

Or. ro

Amendment 168

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:***

Or. en

Amendment 169

Julia Reda

Proposal for a regulation

Article 50 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(a) *the powers provided under Article 8;*

Or. en

Amendment 170

Julia Reda

Proposal for a regulation

Article 50 – paragraph 2 – point b (new)

Text proposed by the Commission

Amendment

(b) *the threshold set for wide-spread infringements with a Union dimension;*

Or. en

Amendment 171

Julia Reda

Proposal for a regulation

Article 50 – paragraph 2 – point c (new)

Text proposed by the Commission

Amendment

(c) *the system of exchange of information on infringements as provided for by Article 43.*

Or. en

Amendment 172

Julia Reda

Proposal for a regulation

Article 50 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

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

Amendment 173

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, developments in the area of consumer law enforcement and statistics exchanged 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 174

Cecilia Wikström

Proposal for a regulation

Article 50 a (new)

Text proposed by the Commission

Amendment

Article 50 a

Reporting

Every two years, starting from the date of entry into force of this Regulation, the Commission shall submit to the European Parliament and to the Council a report specifying coordinated actions taken due to widespread infringements with cross-border dimensions as laid down in Article 16, the enforcement measures taken in

cases of coordinated actions according to Article 18, as well as containing a list of special cases of common action launched by the Commission based on Article 21, the commitments taken by infringing traders and its results as well as the enforcement measures taken according to Article 25.

The report shall be publicly available and shall include further legislative or non-legislative proposals if necessary in order to adapt to new technological developments or potential future phenomena in the digital environment.

Or. en

Amendment 175
Julia Reda

Proposal for a regulation
Article 51 – paragraph 1
Regulation (EU) No 2006/2004
Annex

Text proposed by the Commission

Amendment

24 a. Regulation 2017/... of the European Parliament and of the Council on ensuring the cross-border portability of online content services in the internal market

Or. en

Amendment 176
Julia Reda

Proposal for a regulation
Article 51 – paragraph 1
Regulation (EU) No 2006/2004
Annex

Text proposed by the Commission

Amendment

24 b. Regulation 2017/... 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

Amendment 177
Daniel Buda

Proposal for a regulation
Article 53 – paragraph 2

Text proposed by the Commission

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

Amendment

This Regulation shall apply from [***two years*** after its entry into force].

Or. ro