



**2016/0152(COD)**

16.2.2017

# **AMENDMENTS**

## **80 - 251**

**Draft report**

**Róza Gräfin von Thun und Hohenstein**

(PE595.745v01-00)

on the proposal for a regulation 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

Proposal for a regulation

(COM(2016)0289 – C8-0192/2016 – 2016/0152(COD))



**Amendment 80**  
**Marcus Pretzell**

**Draft legislative resolution**  
**Paragraph 1**

*Draft legislative resolution*

1. **Adopts its position at first reading** hereinafter set out;

*Amendment*

1. **Rejects the** position hereinafter set out. **Geo-blocking can constitute a danger when governments are behind it and the aim is to censor unwelcome opinion. It can also have severely adverse effects if lawful collective copyright management organisations are pressurising online platforms to block content in the areas in which they operate. However, discrimination practised by private traders in the realm of private law and on a contractual basis is not something that should be subject to state regulation. Yet that is precisely what is proposed in the position hereinafter set out.**

Or. de

**Amendment 81**  
**Virginie Rozière, Liisa Jaakonsaari, Maria Grapini, Marc Tarabella, Marlene Mizzi, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Title**

*Text proposed by the Commission*

Proposal for a  
REGULATION 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

(Text with EEA relevance)

*Amendment*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on addressing **unjustified** geo-blocking and  
other forms of discrimination based on  
**consumers'** nationality or place of  
**residence** within the internal market and  
amending Regulation (EC) No 2006/2004  
and Directive 2009/22/EC

(Text with EEA relevance)

## Amendment 82

Dita Charanzová, Marietje Schaake, Morten Løkkegaard

### Proposal for a regulation

#### Title

*Text proposed by the Commission*

Proposal for a  
REGULATION 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  
(Text with EEA relevance)

*Amendment*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on addressing **unjustified** geo-blocking and  
other forms of discrimination based on  
customers' nationality, place of residence  
**or temporary location**, or place of  
establishment within the internal market  
and amending Regulation (EC) No  
2006/2004 and Directive 2009/22/EC  
(Text with EEA relevance)

Or. en

## Amendment 83

Inese Vaidere

### Proposal for a regulation

#### Title

*Text proposed by the Commission*

Proposal for a  
REGULATION 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

*Amendment*

Proposal for a  
REGULATION OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL  
on addressing geo-blocking and other  
forms of discrimination based on  
customers' nationality, place of residence,  
**place of temporary location** or place of  
establishment within the internal market  
and amending Regulation (EC) No  
2006/2004 and Directive 2009/22/EC

(Text with EEA relevance)

(Text with EEA relevance)

Or. en

## **Amendment 84**

**Robert Jarosław Iwaszkiewicz**

### **Proposal for a regulation**

#### **Recital 1**

*Text proposed by the Commission*

(1) ***In order to realise the objective of ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of customers from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such customers from other Member States, both online and offline. Whereas there may sometimes be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in cross-border commercial transactions access to goods or services, or apply different conditions in this regard, for purely commercial reasons.***

*Amendment*

(1) ***Geo-blocking is where traders operating or providing services in more than one Member State block or limit the access to their online interfaces, such as websites and apps, of customers from other Member States wishing to engage in cross-border commercial transactions. It also occurs through other online actions by certain traders involving the application of different general conditions of access to their goods and services based solely on the customer's IP address. Whereas there may sometimes be objective justifications for such differential treatment on account of the scale or nature of the business.***

Or. pl

**Amendment 85**  
**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) In order to realise the objective of ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of *customers* from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such *customers* from other Member States, both online and offline. Whereas there may sometimes be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in cross-border commercial transactions access to goods or services, or apply different conditions in this regard, for purely commercial reasons.

*Amendment*

(1) In order to realise the objective of ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of *consumers* from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such *consumers* from other Member States, both online and offline. Whereas there may sometimes be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in cross-border commercial transactions access to goods or services, or apply different conditions in this regard, for purely commercial reasons. ***This practice undermines the core purpose of the internal market, lowers consumers' options and the level of competition.***

Or. en

**Amendment 86**  
**Virginie Rozière, Maria Grapini, Marc Tarabella, Marlene Mizzi, Anna Hedh, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) In order to realise the objective of ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of *customers* from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such *customers* from other Member States, both online and offline. Whereas there may sometimes be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in cross-border commercial transactions access to goods or services, or apply different conditions in this regard, for *purely commercial* reasons.

*Amendment*

(1) In order to realise the objective of ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of *consumers* from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such *consumers* from other Member States, both online and offline. Whereas there may sometimes be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in cross-border commercial transactions access to goods or services, or apply different conditions in this regard, for *unjustified* reasons.

Or. en

**Amendment 87**  
**Sergio Gutiérrez Prieto, José Blanco López**

**Proposal for a regulation**  
**Recital 1**

(1) In order to realise the objective of ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of customers from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such customers from other Member States, both online and offline. Whereas there may sometimes be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in cross-border commercial transactions access to goods or services, or apply different conditions in this regard, for purely commercial reasons.

(1) In order to realise the objective of ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of customers from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such customers from other Member States, both online and offline. Whereas there may sometimes be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in cross-border commercial transactions access to goods or services, or apply different conditions in this regard, for purely commercial reasons. ***Studies have shown that removing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market could help the market grow by 1.1% and reduce prices by an average of between 0.5% and 0.6%.***

Or. es

**Amendment 88**  
**Inese Vaidere**



## Proposal for a regulation

### Recital 1

*Text proposed by the Commission*

(1) In order to realise the objective of ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of customers from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such customers from other Member States, both online and offline. Whereas there may *sometimes* be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in cross-border commercial transactions access to goods or services, or apply different conditions in this regard, for purely commercial reasons.

*Amendment*

(1) In order to realise the objective of ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of customers from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such customers from other Member States, both online and offline. Whereas there may *exceptionally* be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in cross-border commercial transactions access to goods or services, or apply different conditions in this regard, for purely commercial reasons.

Or. en

## Amendment 89

**Olga Sehnalová, Biljana Borzan**

## Proposal for a regulation

### Recital 1

*Text proposed by the Commission*

(1) In order to realise the objective of

*Amendment*

(1) In order to realise the objective of

ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of customers from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such customers from other Member States, both online and offline. Whereas there may sometimes be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in **cross-border** commercial transactions access to goods or services, or apply different conditions in this regard, for purely commercial reasons.

ensuring good functioning of the internal market, as an area without internal frontiers in which the free movement of inter alia goods and services is ensured, it is not sufficient to abolish, as between Member States, only State barriers. Such abolition can be undermined by private parties putting in place obstacles inconsistent with internal market freedoms. That occurs where traders operating in one Member State block or limit the access to their online interfaces, such as websites and apps, of customers from other Member States wishing to engage in cross-border commercial transactions (a practice known as geo-blocking). It also occurs through other actions by certain traders involving the application of different general conditions of access to their goods and services with respect to such customers from other Member States, both online and offline. Whereas there may sometimes be objective justifications for such differential treatment, in other cases traders deny consumers wishing to engage in commercial transactions access to goods or services, or apply different conditions in this regard, for purely commercial reasons.

Or. en

**Amendment 90**  
**Othmar Karas**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) This is not a stand-alone regulation, it is in conjunction with the Directive on certain aspects concerning contracts for the sales of goods and repealing Directive 1999/44/EC and the Directive on certain aspects concerning contracts for the supply of digital content***

*and digital services that it will contribute to the creation of a digital single market.*

Or. de

*Justification*

*The proposed regulation is explicitly to be considered in association with other proposals for legislation to create a digital single market, and its success is contingent on those proposals. Reference should thus be made to the Directive on certain aspects concerning contracts for the sales of goods and repealing Directive 1999/44/EC and the Directive on certain aspects concerning contracts for the supply of digital content and digital services.*

**Amendment 91**

**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation**

**Recital 2**

*Text proposed by the Commission*

(2) In this manner certain traders artificially segment the internal market along internal frontiers and hamper the free movement of goods and services, thus restricting the rights of *customers* and preventing them from benefitting from a wider choice and optimal conditions. Such discriminatory practices are an important factor contributing to the relatively low level of cross-border commercial transactions within the Union, including in the sector of electronic commerce, which prevents the full growth potential of *the* internal market *from being realised*. Clarifying in which situations there can be no justification for differential treatment of this kind should bring clarity and legal certainty for all participants in cross-border transactions and should ensure that rules on non-discrimination can be effectively applied and enforced across the internal market.

*Amendment*

(2) In this manner certain traders artificially segment the internal market along internal frontiers and hamper the free movement of goods and services, thus restricting the rights of *consumers* and preventing them from benefitting from a wider choice and optimal conditions. Such discriminatory practices are an important factor contributing to the relatively low level of cross-border commercial transactions within the Union, including in the sector of electronic commerce, which prevents the full growth potential of *a truly integrated* internal market *and its fostering*. Clarifying in which situations there can be no justification for differential treatment of this kind should bring clarity and legal certainty for all participants in cross-border transactions and should ensure that rules on non-discrimination can be effectively applied and enforced across the internal market.

Or. en

## **Amendment 92**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Marlene Mizzi, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

### **Proposal for a regulation**

#### **Recital 2**

*Text proposed by the Commission*

(2) In this manner certain traders artificially segment the internal market along internal frontiers and hamper the free movement of goods and services, thus restricting the rights of *customers* and preventing them from benefitting from a wider choice and optimal conditions. Such discriminatory practices are an important factor contributing to the relatively low level of cross-border commercial transactions within the Union, including in the sector of electronic commerce, which prevents the full growth potential of the internal market from being realised. Clarifying in which situations there can be no justification for differential treatment of this kind should bring clarity and legal certainty for all participants in cross-border transactions and should ensure that rules on non-discrimination can be effectively applied and enforced across the internal market.

*Amendment*

(2) In this manner certain traders artificially segment the internal market along internal frontiers and hamper the free movement of goods and services, thus restricting the rights of *consumers* and preventing them from benefitting from a wider choice and optimal conditions. Such discriminatory practices are an important factor contributing to the relatively low level of cross-border commercial transactions within the Union, including in the sector of electronic commerce, which prevents the full growth potential of the internal market from being realised. Clarifying in which situations there can be no justification for differential treatment of this kind should bring clarity and legal certainty for all participants in cross-border transactions and should ensure that rules on non-discrimination can be effectively applied and enforced across the internal market.

Or. en

## **Amendment 93**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

### **Proposal for a regulation**

#### **Recital 3**

*Text proposed by the Commission*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in

*Amendment*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in

the Union do not treat recipients of services differently on the basis of their nationality or place of residence. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty, ***particularly because of the possibility to justify the differences in treatment for which it allows and the corresponding difficulties in enforcing it in practice.*** Moreover, geo-blocking and other forms of discrimination based on nationality, ***place of residence*** or place of ***establishment*** can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive.

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

the Union do not treat recipients of services differently on the basis of their nationality or place of residence. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty. Moreover, geo-blocking and other forms of discrimination based on nationality or place of ***residence*** can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive.

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

Or. en

## **Amendment 94**

### **Inese Vaidere**

#### **Proposal for a regulation**

##### **Recital 3**

###### *Text proposed by the Commission*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in the Union do not treat recipients of services differently on the basis of their nationality or place of residence. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty, particularly because of the possibility to justify the differences in treatment for which it allows and the corresponding

###### *Amendment*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in the Union do not treat recipients of services differently on the basis of their nationality or place of residence ***or place of temporary location***. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty, particularly because of the possibility to justify the differences in treatment for which it allows

difficulties in enforcing it in practice. Moreover, geo-blocking and other forms of discrimination based on nationality, place of residence or place of establishment can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive.

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

and the corresponding difficulties in enforcing it in practice. Moreover, geo-blocking and other forms of discrimination based on nationality, place of residence, *place of temporary location* or place of establishment can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive.

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

Or. en

## **Amendment 95** **Antanas Guoga, Ivan Štefanec**

### **Proposal for a regulation** **Recital 3**

#### *Text proposed by the Commission*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in the Union do not treat recipients of services differently on the basis of their nationality or place of residence. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty, particularly because of the possibility to justify the differences in treatment for which it allows and the corresponding difficulties in enforcing it in practice. Moreover, geo-blocking and other forms of discrimination based on nationality, place of residence *or place of establishment* can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive.

#### *Amendment*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in the Union do not treat recipients of services differently on the basis of their nationality or place of residence. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty, particularly because of the possibility to justify the differences in treatment for which it allows and the corresponding difficulties in enforcing it in practice. Moreover, geo-blocking and other forms of discrimination based on nationality *or* place of residence can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive *that are*

*necessary to tackle.*

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

Or. en

## **Amendment 96**

**Dita Charanzová, Jasenko Selimovic, Kaja Kallas, Marietje Schaake, Morten Løkkegaard**

### **Proposal for a regulation**

#### **Recital 3**

*Text proposed by the Commission*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in the Union do not treat recipients of services differently on the basis of their nationality or place of residence. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty, particularly because of the possibility to justify the differences in treatment for which it allows and the corresponding difficulties in enforcing it in practice. Moreover, geo-blocking and other forms of discrimination based on nationality, place of residence or place of establishment can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive.

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p.

*Amendment*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in the Union do not treat recipients of services differently on the basis of their nationality or place of residence. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty, particularly because of the possibility to justify the differences in treatment for which it allows and the corresponding difficulties in enforcing it in practice. Moreover, geo-blocking and other forms of discrimination based on nationality, place of residence or *temporary location*, or place of establishment can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive.

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p.

36).

36).

Or. en

*Justification*

*Based on the amendment of the Rapporteur, while maintaining the definition of customer within the text*

**Amendment 97**  
**Anneleen Van Bossuyt**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in the Union do not treat recipients of services differently on the basis of their nationality or place of residence. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty, particularly because of the possibility to justify the differences in treatment for which it allows and the corresponding difficulties in enforcing it in practice. Moreover, geo-blocking and other forms of discrimination based on nationality, place of residence or place of establishment can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive.

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

*Amendment*

(3) Pursuant to Article 20 of Directive 2006/123/EC of the European Parliament and of the Council<sup>17</sup>, Member States are to ensure that service providers established in the Union do not treat recipients of services differently on the basis of their nationality or place of residence. However, that provision has not been fully effective in combatting discrimination and it has not sufficiently reduced legal uncertainty, particularly because of the possibility to justify the differences in treatment for which it allows and the corresponding difficulties in enforcing it in practice. Moreover, geo-blocking and other forms of ***unjustified*** discrimination based on nationality, place of residence or place of establishment can also arise as a consequence of actions by traders established in third countries, which fall outside the scope of that Directive.

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<sup>17</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

Or. en



**Amendment 98**  
**Dennis de Jong**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) This Regulation aims to clarify Article 20 of Directive 2006/123/EC. It should not be construed as replacing Directive 2006/123/EC, either as regards the scope of that Directive, where this Regulation abides by the same principles, excluding the activities referred to in Article 2(2) of Directive 2006/123/EC from the scope of its application, or as regards its effect, as the application of Directive 2006/123/EC is independent of, and complementary to, that of this Regulation. This Regulation should not restrict the entrepreneurial freedom and freedom of contract as defined in Article 16 of the Charter of Fundamental Rights of the European Union.***

Or. en

**Amendment 99**  
**Franz Obermayr**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) For the purposes of ensuring the good functioning of the internal market, the targeted measures set out in this Regulation, which provide for a clear, uniform and effective set of rules on a selected number of issues, are therefore required.

(4) For the purposes of ensuring the good functioning of the internal market, the targeted measures set out in this Regulation, which provide for a clear, uniform and effective set of rules on a selected number of issues, are therefore required. ***They take account of the four basic freedoms of the European Union single market, the legal basis for which is***

## **Amendment 100**

**Sergio Gutiérrez Prieto, José Blanco López**

### **Proposal for a regulation**

#### **Recital 5**

##### *Text proposed by the Commission*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

##### *Amendment*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union; ***the activities referred to in Article 2(2) of Directive 2006/123/EC shall be excluded from the scope of its application.*** It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

## **Amendment 101**

**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) This Regulation aims at preventing discrimination based on *customers'* nationality, place of residence *or place of establishment*, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on *customers'* nationality, *place of residence* or place of *establishment*. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of *customers*, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the *customer's* payment instrument has been issued.

*Amendment*

(5) This Regulation aims at preventing discrimination based on *consumers'* nationality *or* place of residence, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on *consumers'* nationality or place of *residence*. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of *consumers*, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the *consumer's* payment instrument has been issued.

Or. en

**Amendment 102**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Marlene Mizzi, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions

*Amendment*

(5) This Regulation aims at preventing *unjustified* discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial

between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on *customers'* nationality, *place of residence* or place of *establishment*. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of *customers*, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the *customer's* payment instrument has been issued.

transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect *unjustified* discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on *consumers'* nationality or place of *residence*. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of *consumers*, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the *consumer's* payment instrument has been issued.

Or. en

### **Amendment 103** **Anneleen Van Bossuyt**

#### **Proposal for a regulation** **Recital 5**

##### *Text proposed by the Commission*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be

##### *Amendment*

(5) This Regulation aims at preventing *unjustified* discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be

applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

Or. en

## **Amendment 104**

**Julia Reda**

### **Proposal for a regulation**

#### **Recital 5**

##### *Text proposed by the Commission*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

##### *Amendment*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services **and intangible goods** within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

Or. en

## **Amendment 105**

**Inese Vaidere**

### **Proposal for a regulation**

#### **Recital 5**

*Text proposed by the Commission*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

*Amendment*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence, ***place of temporary location*** or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence, ***place of temporary location*** or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

Or. en

## **Amendment 106**

**Dita Charanzová, Jasenko Selimovic, Kaja Kallas, Marietje Schaake, Morten Løkkegaard**

### **Proposal for a regulation**

#### **Recital 5**

*Text proposed by the Commission*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

*Amendment*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions between traders and customers relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or **temporary location, or** place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

Or. en

*Justification*

*Based on the amendment of the Rapporteur, while maintaining the definition of customer within the text*

**Amendment 107**  
**Olga Sehnalová, Biljana Borzan**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) This Regulation aims at preventing discrimination based on customers'

*Amendment*

(5) This Regulation aims at preventing discrimination based on customers'

nationality, place of residence or place of establishment, including geo-blocking, in **cross-border** commercial transactions between traders and customers relating to the sales of goods and the provision of services within the **Union**. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

nationality, place of residence or place of establishment, including geo-blocking, in commercial transactions between traders and customers relating to the sales of goods and the provision of services within the **internal market**. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

Or. en

## **Amendment 108**

**Robert Jarosław Iwaszkiewicz**

### **Proposal for a regulation**

#### **Recital 5**

##### *Text proposed by the Commission*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in cross-border commercial transactions **between traders and customers** relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of

##### *Amendment*

(5) This Regulation aims at preventing discrimination based on customers' nationality, place of residence or place of establishment, including geo-blocking, in **online** cross-border commercial transactions relating to the sales of goods and the provision of services within the Union. It seeks to address direct as well as indirect discrimination, thus also covering unjustified differences of treatment on the basis of other distinguishing criteria which lead to the same result as the application of criteria directly based on customers'



criteria directly based on customers' nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

nationality, place of residence or place of establishment. Such other criteria can be applied, in particular, on the basis of information indicating the physical location of customers, such as the IP address used when accessing an online interface, the address submitted for the delivery of goods, the choice language made or the Member State where the customer's payment instrument has been issued.

Or. pl

#### **Amendment 109**

**Virginie Rozière, Liisa Jaakonsaari, Maria Grapini, Marc Tarabella, Marlene Mizzi, Christel Schaldemose, Evelyne Gebhardt**

#### **Proposal for a regulation Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) Geoblocking is incompatible with the fundamental principles of the single market. However, there are a number of well-founded reasons why companies, in particular SMEs and micro-enterprises, should avoid or refuse cross-border trade or adapt general conditions of sale, in particular related to divergent legal environments, including taxation and fiscal issues, additional national requirements, additional delivery costs, or language requirements for pre-contractual information.***

Or. en

#### **Amendment 110 Dennis de Jong**

#### **Proposal for a regulation Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) The non-discrimination provisions in this Regulation regarding access to online interfaces on the basis of customers' residence, do not impose a general obligation on traders to sell their goods or services.***

Or. en

**Amendment 111  
Philippe Juvin**

**Proposal for a regulation  
Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5a) This Regulation should not affect the competition law provisions governing selective sales and should strike a reasonable balance between the banning of unjustified discrimination and the safeguarding of contractual freedom in order to allow scope for the development of tailored commercial strategies.***

Or. fr

**Amendment 112  
Philippe Juvin**

**Proposal for a regulation  
Recital 5 b (new)**

*Text proposed by the Commission*

*Amendment*

***(5b) This Regulation should not undermine national laws laying down single prices for books, whether printed or digital. Compliance with national laws governing single prices for books could be a justification for the application of***

*different conditions of sale by distributors.*

Or. fr

### **Amendment 113**

**Dita Charanzová, Kaja Kallas, Marietje Schaake, Morten Løkkegaard**

#### **Proposal for a regulation**

#### **Recital 6**

##### *Text proposed by the Commission*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. ***As a consequence, the provisions of this Regulation should apply inter alia to non-audio-visual electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, subject however to the specific exclusion provided for in Article 4 and the subsequent evaluation of that exclusion as provided for in Article 9. Audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation.*** Access to retail financial services, including payment services, should therefore ***also*** be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

##### *Amendment*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC ***where appropriate.*** Access to retail financial services, including payment services, should therefore be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

Or. en

*(see amendment to Article 1.3 and the scope of the Regulation)*

## Amendment 114

Julia Reda

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, the provisions of this Regulation should apply inter alia to ***non-audio-visual*** electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, ***subject however to the specific exclusion provided for in Article 4 and the subsequent evaluation of that exclusion as provided for in Article 9.*** Audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events ***and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.***

*Amendment*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, the provisions of this Regulation should apply inter alia to electronically supplied services ***and intangible goods***, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter ***in respect of which the trader has the rights to use such content for the relevant territories.*** ***The inclusion of audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events is particularly important to conform with consumer expectations.***

Or. en

## Amendment 115

Antanas Guoga, Ivan Štefanec

### Proposal for a regulation

#### Recital 6

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, the provisions of this Regulation should apply inter alia to non-audio-visual electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, subject however to the specific exclusion provided for in Article 4 and the subsequent evaluation of that exclusion as provided for in Article 9. Audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, the provisions of this Regulation should apply inter alia to non-audio-visual ***copyright-protected works when a copyrighted content is blocked for reasons that are not copyright and*** electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, subject however to the specific exclusion provided for in Article 4 and the subsequent evaluation of that exclusion as provided for in Article 9. Audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, ***nevertheless the Commission should review possibilities to include it in the scope of the Regulation,*** notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

Or. en

**Amendment 116**  
**Sabine Verheyen, Angelika Niebler**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, the provisions of this Regulation should apply inter alia to non-audio-visual electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, subject however to the specific exclusion provided for in Article 4 **and the subsequent evaluation of that exclusion as provided for in Article 9**. Audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

*Amendment*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, the provisions of this Regulation should apply inter alia to non-audio-visual electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, subject however to the specific exclusion provided for in Article 4. Audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

Or. de

*Justification*

*Access to copyright protected works or other protected subject matter and the use of such works or subject matter should continue to fall outside the scope of this regulation. This will rule out overlap with other items of EU legislation.*

**Amendment 117**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Nicola Danti, Marlene Mizzi, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt, Sergio Gutiérrez Prieto**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. ***As a consequence, the provisions of this Regulation should apply inter alia to non-audio-visual electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, subject however to the specific exclusion provided for in Article 4 and the subsequent evaluation of that exclusion as provided for in Article 9.*** Audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

*Amendment*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. Audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

Or. en

**Amendment 118**

**Vicky Ford**

**Proposal for a regulation**

**Recital 6**

*Text proposed by the Commission*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the

*Amendment*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the

implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, *the provisions of this Regulation should apply inter alia to non-audio-visual electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, subject however to the specific exclusion provided for in Article 4 and the subsequent evaluation of that exclusion as provided for in Article 9.* Audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, audio-visual services, including services the main feature of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

Or. en

**Amendment 119**  
**Anneleen Van Bossuyt**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, the provisions of this Regulation should apply inter alia to non-audio-visual electronically supplied

*Amendment*

(6) Considering that some regulatory and administrative barriers for traders have been removed across the Union in certain services sectors as a result of the implementation of Directive 2006/123/EC, in terms of material scope, consistency should be ensured between this Regulation and Directive 2006/123/EC. As a consequence, the provisions of this Regulation should apply inter alia to non-audio-visual electronically supplied



services, ***the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter***, subject however to the specific exclusion provided for in Article 4 and the subsequent evaluation of that exclusion as provided for in Article 9. Audio-visual services, including services the ***main feature*** of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

services, subject however to the specific exclusion provided for in Article 4 and the subsequent evaluation of that exclusion as provided for in Article 9. Audio-visual services ***are as much cultural services as they are economic services. Their importance justifies the application of specific rules to these services. Therefore, audio-visual services***, including services the ***principle purpose*** of which is the provision of access to broadcasts of sports events and which are provided on the basis of exclusive territorial licenses, are excluded from the scope of this Regulation. Access to retail financial services, including payment services, should therefore also be excluded, notwithstanding the provisions of this Regulation regarding non-discrimination in payments.

Or. en

**Amendment 120**  
**Vicky Ford**

**Proposal for a regulation**  
**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) The provisions of this Regulation should apply inter alia to non-audio-visual electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, subject to the specific exclusion provided for in Article 4. Non-audiovisual copyright services rely on a complex network of territorial licenses. Accordingly, where the main feature of such services is the provision of copyright protected works or other protected subject matter they are excluded from the scope of Article 4. This exclusion is subject to reconsideration pending evaluation***

*pursuant to Article 9.*

Or. en

*Justification*

*To clarify the precise nature of the Article 4 exemption.*

**Amendment 121**

**Philippe Juvin**

**Proposal for a regulation**

**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***(6a) Given the specific nature of cultural works and the specific commercial models for their distribution, this Regulation should not affect the principle of the territoriality of copyright in cultural sectors.***

Or. fr

**Amendment 122**

**Dita Charanzová, Kaja Kallas, Marietje Schaake, Morten Løkkegaard**

**Proposal for a regulation**

**Recital 7**

*Text proposed by the Commission*

*Amendment*

(7) Discrimination can also occur in relation to services in the field of transport, in particular with respect to the sales of tickets for the transport of passengers. ***However, in that regard Regulation (EC) No 1008/2008 of the European Parliament and of the Council<sup>18</sup>, Regulation (EU) No 1177/2010 of the European Parliament and of the Council<sup>19</sup> and Regulation (EU) No 181/2011 of the European Parliament and of the Council<sup>20</sup> already contain broad prohibitions of discriminations covering all discriminatory practices that the***

(7) Discrimination can also occur in relation to services in the field of transport, in particular with respect to the sales of tickets for the transport of passengers, ***therefore the provisions of this Regulation should also apply to these services.***

*present Regulation seeks to address. Furthermore, it is intended that Regulation (EC) No 1371/2007 of the European Parliament and of the Council<sup>21</sup> will be amended to that effect in near future. Therefore, and in order to ensure consistency with the scope of application of Directive 2006/123/EC, services in the field of transport should remain outside the scope of this Regulation.*

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<sup>18</sup> *Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).*

<sup>19</sup> *Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).*

<sup>20</sup> *Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).*

<sup>21</sup> *Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).*

Or. en

*(see amendment to Article 1.3 and the scope of the Regulation)*

## **Amendment 123**

**Robert Jarosław Iwaszkiewicz**

## **Proposal for a regulation**

### **Recital 7**

(7) ***Discrimination can also occur in relation to services in the field of transport, in particular with respect to the sales of tickets for the transport of passengers. However, in that regard Regulation (EC) No 1008/2008 of the European Parliament and of the Council<sup>18</sup>, Regulation (EU) No 1177/2010 of the European Parliament and of the Council<sup>19</sup> and Regulation (EU) No 181/2011 of the European Parliament and of the Council<sup>20</sup> already contain broad prohibitions of discriminations covering all discriminatory practices that the present Regulation seeks to address. Furthermore, it is intended that Regulation (EC) No 1371/2007 of the European Parliament and of the Council<sup>21</sup> will be amended to that effect in near future. Therefore, and in order to ensure consistency with the scope of application of Directive 2006/123/EC, services in the field of transport should remain outside the scope of this Regulation.***

(7) ***Differentiation of conditions or prices for cross-border transactions between Member States in relation to transport services, in particular with respect to the sales of tickets, is still within the scope of the directive. The content of a commercial offer and the conditions attaching thereto cannot therefore be different depending on the IP address. At the same time, charges connected with electronic payment are excluded.***

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<sup>18</sup> Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).

<sup>19</sup> Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).

<sup>20</sup> Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

<sup>21</sup> *Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).*

Or. pl

**Amendment 124**  
**Antanas Guoga**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) Discrimination *can also occur* in relation to services in the field of transport, in particular with respect to the sales of tickets for the transport of passengers. ***However, in that regard*** Regulation (EC) No 1008/2008 of the European Parliament and of the Council<sup>18</sup>, Regulation (EU) No 1177/2010 of the European Parliament and of the Council<sup>19</sup> and Regulation (EU) No 181/2011 of the European Parliament and of the Council<sup>20</sup> already contain broad prohibitions of discriminations covering all discriminatory practices that the present Regulation seeks to address. Furthermore, it is intended that Regulation (EC) No 1371/2007 of the European Parliament and of the Council<sup>21</sup> will be amended to that effect in near future. Therefore, ***and in order to ensure consistency with the scope of application of Directive 2006/123/EC, services in the field of transport should remain outside the scope of this Regulation.***

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<sup>18</sup> Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the

*Amendment*

(7) Discrimination *occurs* in relation to services in the field of transport, in particular with respect to the sales of tickets for the transport of passengers, ***despite the fact that*** Regulation (EC) No 1008/2008 of the European Parliament and of the Council<sup>18</sup>, Regulation (EU) No 1177/2010 of the European Parliament and of the Council<sup>19</sup> and Regulation (EU) No 181/2011 of the European Parliament and of the Council<sup>20</sup> already contain broad prohibitions of discriminations covering all discriminatory practices that the present Regulation seeks to address. Furthermore, it is intended that Regulation (EC) No 1371/2007 of the European Parliament and of the Council<sup>21</sup> will be amended to that effect in near future. Therefore, ***services in the field of transport should either after review of this Regulation be included in the scope of this Regulation or prohibition of discriminations covering all discriminatory practices should be effectively enforced through the specific Union legislation in that area.***

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<sup>18</sup> Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the

Community (OJ L 293, 31.10.2008, p. 3).

<sup>19</sup> Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).

<sup>20</sup> Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

<sup>21</sup> Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

Community (OJ L 293, 31.10.2008, p. 3).

<sup>19</sup> Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004 (OJ L 334, 17.12.2010, p. 1).

<sup>20</sup> Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 on the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).

<sup>21</sup> Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).

Or. en

## **Amendment 125**

**Antanas Guoga, Ivan Štefanec**

### **Proposal for a regulation**

#### **Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) This Regulation should also cover the sale of a bundle of services. However, a trader should be under no obligation to sell the bundle of services if he or she does not have the legal right to provide a part of one or several services that are included in that bundle.***

Or. en

## **Amendment 126**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Recital 9**

*Text proposed by the Commission*

*Amendment*

**(9) Pursuant to Regulation (EC) No 593/2008 of the European Parliament and of the Council<sup>22</sup>, the choice of law applicable to contracts between a consumer and a professional who pursues his or her commercial or professional activities in the country where the consumer has his or her habitual residence or, by any means, directs such activities to that country or to several countries including that country, may not have the result of depriving the consumer of the protection afforded to him by provisions that cannot be derogated from by agreement by virtue of the law of the country where the consumer has his or her habitual residence. Pursuant to Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>23</sup>, in matters related to a contract between a consumer and a professional who pursues commercial or professional activities in the Member State of the consumer's domicile or, by any means, directs such activities to that Member State or to several States including that Member State, a consumer may bring proceedings against the other party in the courts of the Member State where he is domiciled and proceedings may be brought against the consumer only in those courts.**

*deleted*

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<sup>22</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>23</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial

## Amendment 127

Antanas Guoga

### Proposal for a regulation

#### Recital 9

##### *Text proposed by the Commission*

(9) Pursuant to Regulation (EC) No 593/2008 of the European Parliament and of the Council<sup>22</sup>, ***the choice of law applicable to contracts between a consumer and a professional who pursues his or her commercial or professional activities in the country where the consumer has his or her habitual residence or, by any means, directs such activities to that country or to several countries including that country***, may not have the result of depriving the consumer of the protection afforded to him by provisions that cannot be derogated from by agreement by virtue of the law of the country where the consumer has his or her habitual residence. Pursuant to Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>23</sup>, in matters related to a contract between a consumer and a professional who pursues commercial or professional activities in the Member State of the consumer's domicile or, by any means, directs such activities to that Member State or to several States including that Member State, a consumer may bring proceedings against the other party in the courts of the Member State where he is domiciled and proceedings may be brought against the consumer only in those courts.

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<sup>22</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of

##### *Amendment*

(9) ***This Regulation should be without prejudice*** to Regulation (EC) No 593/2008 of the European Parliament and of the Council<sup>22</sup>. ***In cases where a trader actively directs or declares his or her activities to a country or to several countries***, where the consumer has his or her habitual residence, ***the choice of law applicable to contracts between a consumer and a trader*** may not have the result of depriving the consumer of the protection afforded to him by provisions that cannot be derogated from by agreement by virtue of the law of the country where the consumer has his or her habitual residence. Pursuant to Regulation (EU) 1215/2012 of the European Parliament and of the Council<sup>23</sup>, in matters related to a contract between a consumer and a professional who pursues commercial or professional activities in the Member State of the consumer's domicile or, by any means, directs such activities to that Member State or to several States including that Member State, a consumer may bring proceedings against the other party in the courts of the Member State where he is domiciled and proceedings may be brought against the consumer only in those courts.

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<sup>22</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of



17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>23</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>23</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

## **Amendment 128**

### **Morten Løkkegaard**

#### **Proposal for a regulation**

##### **Recital 10**

###### *Text proposed by the Commission*

(10) This Regulation ***should not affect acts of*** Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of those acts and provisions in individual cases. In particular, the mere fact that a trader ***acts*** in accordance with ***the provisions of*** this Regulation ***should not be construed as implying that he directs his*** activities to the ***consumer's*** Member State for the purpose of ***such application***.

###### *Amendment*

(10) This Regulation ***shall be without prejudice to*** Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of those acts and provisions in individual cases. In particular, the mere fact that a trader ***complies with this Regulation shall not be construed as implying that the trader directs his or her activities to the Member State where the consumer has its habitual residence or domicile within the meaning of Article 6(1)(b) of Regulation (EC) No 593/2008, and of Article 17(1)(c) of Regulation (EU) 1215/2012. Therefore, a trader, in accordance with this Regulation, who does not block or limit access to his or her online interfaces for customers from another Member State, apply different general conditions of access when selling goods or services in the***

*specific situations laid down in this Regulation, or different conditions for payment transactions within the range of payment means he or she accepts, should not, on these grounds alone, be considered as directing his or her activities to the Member State in which the consumer has habitual residence or domicile, for the purpose of determining the applicable law and jurisdiction.*

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

#### *Justification*

*The interaction between Rome I, Brussels I and the Geo-blocking Regulation should be clear from the text. This text shall ensure coherence with the existing legal framework as well as legal certainty for both businesses and consumers by explicitly defining that compliance with this Regulation shall not in itself imply that a trader directs his or her activities towards another market.*

### **Amendment 129**

**Maria Grapini**

#### **Proposal for a regulation**

##### **Recital 10**

###### *Text proposed by the Commission*

(10) This Regulation should not affect acts of Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction

###### *Amendment*

(10) This Regulation should not affect acts of Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction

set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of those acts and provisions in individual cases. In particular, the mere fact that a trader acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State for the purpose of such application.

set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of those acts and provisions in individual cases. In particular, the mere fact that a trader acts in compliance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State for the purpose of such application *within the meaning of Article 6(1)(b) of Regulation (EC) No 593/2008, and of Article 17(1)(c) of Regulation (EU) 1215/2012. Therefore, the mere fact that the trader does not block or limit access to his online interface for customers from another Member State, does not apply different general conditions of access in the cases laid down in this Regulation or does not apply different conditions for contract transactions with regard to the means of payment accepted by him, should not be considered as indicating that the trader is directing activities to the consumer's Member State for the purpose of determining applicable law and jurisdiction. This follows from the case law of the Court of Justice of the European Union, according to which it must be demonstrated, when establishing whether an activity is directed to the consumer's Member State, that the trader has expressed an intention to do this. Such an intention cannot be assumed to exist where the trader is simply complying with the legal obligations set out in this Regulation. It also follows from the case law of the Court of Justice of the European Union that the accessibility of a website in a Member State other than the one in which the trader is established is not sufficient grounds for establishing that the trader is redirecting his activities to another Member State. Moreover, the question of whether a website is interactive is not a deciding factor. However, the trader should remain at*

*liberty to direct his activity to the Member State where the consumer has his habitual residence or domicile. An analysis should be carried out on a case-by-case basis to ascertain whether there are additional elements going beyond simple compliance with the existing mandatory provisions, and whether this constitutes proof from which it can be concluded that the trader has sought to direct his activities to the Member State in which the consumer has the habitual residence or domicile.*

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. ro

## **Amendment 130**

### **Marco Zullo**

#### **Proposal for a regulation**

##### **Recital 10**

*Text proposed by the Commission*

(10) This Regulation should not affect acts of Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of those acts and

*Amendment*

(10) This Regulation should not, ***unless strictly necessary***, affect acts of Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of

provisions in individual cases. In particular, the mere fact that a trader acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State for the purpose of such application.

those acts and provisions in individual cases. In particular, the mere fact that a trader acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State for the purpose of such application.

*Furthermore, for the purposes of determining the law applicable and jurisdiction, the mere fact that a trader refrains from blocking or restricting access to his online interface for customers from another Member State, or from applying different conditions of access in the situations set out in this Regulation, or from discriminating in terms of payment, does not mean that he is directing his activities towards the customer's Member State, unless the trader has shown a clear intention to direct his activities towards the Member State where the customer is resident or habitually domiciled, for instance through a delivery capacity or through advertising traceable to him.*

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. it

### **Amendment 131**

**Virginie Rozière, Liisa Jaakonsaari, Maria Grapini, Marc Tarabella, Nicola Danti, Anna Hedh, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) This Regulation should not ***affect acts of Union law concerning*** judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, ***including the application of those acts and provisions in individual cases. In particular, the mere fact that a trader acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State for the purpose of such application.***

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

*Amendment*

(10) This Regulation should not ***introduce additional rules on*** judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>.

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

**Amendment 132**  
**Julia Reda**

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) This Regulation should not affect

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*Amendment*

(10) This Regulation should not affect

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acts of Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of those acts and provisions in individual cases. ***In particular***, the mere fact that a trader acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State ***for the purpose of such application***.

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

acts of Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of those acts and provisions in individual cases. The mere fact that a trader acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State ***within the meaning of Article 6(1) of Regulation (EC) No 593/2008, and of Article 17(1)(c) of Regulation (EU) 1215/2012***.

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

## **Amendment 133**

**Antanas Guoga, Ivan Štefanec**

### **Proposal for a regulation**

#### **Recital 10**

*Text proposed by the Commission*

(10) This Regulation should ***not affect acts of*** Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction

*Amendment*

(10) This Regulation should ***be without prejudice to*** Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction

set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of those acts and provisions in individual cases. In particular, the mere fact that a trader acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State for the purpose of such application.

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>, including the application of those acts and provisions in individual cases. In particular, the mere fact that a trader ***provides access to his or her online interface for consumers from other Member States*** acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State for the purpose of such application.

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. en

## **Amendment 134**

**Evelyne Gebhardt, Evelyn Regner, Josef Weidenholzer**

### **Proposal for a regulation**

#### **Recital 10**

##### *Text proposed by the Commission*

(10) This Regulation should not affect acts of Union law concerning judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the European Parliament and of the Council<sup>25</sup>,

##### *Amendment*

(10) This Regulation should not affect acts of Union law concerning ***international private law and, in particular***, judicial cooperation in civil matters, notably the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 of the European Parliament and of the Council<sup>24</sup> and (EU) 1215/2012 of the



including the application of those acts and provisions in individual cases. In particular, the mere fact that a trader acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State for the purpose of such application.

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

European Parliament and of the Council<sup>25</sup>, including the application of those acts and provisions in individual cases. In particular, the mere fact that a trader acts in accordance with the provisions of this Regulation should not be construed as implying that he directs his activities to the consumer's Member State for the purpose of such application.

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<sup>24</sup> Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

<sup>25</sup> Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1).

Or. de

## **Amendment 135** **Dita Charanzová**

### **Proposal for a regulation** **Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) In order to avoid creating, while seeking to respect this Regulation, the impression that traders of goods or services are directing a sale to a consumer in another Member State, when this is not the case, it should be presumed that such traders only direct their sales to the markets included in their general conditions of access in force at the time of the sale. In particular, for the purpose of application of Regulation (EC) No 593/2008 and Regulation (EU) No 1215/2012, the sale, the access to and the use of goods or services by a consumer***

*covered by this Regulation should be deemed to occur in the Member State of the trader's establishment or the Member State where the trader offers delivery in his general conditions of access, respectively. However, it should be possible for a consumer to rebut this presumption where additional factors show that a trader has specifically directed his activities to the consumer's Member State. The purpose is merely to create legal certainty in the application of Regulation (EC) No 593/2008 and Regulation (EU) No 1215/2012 to a specific situation, without amending those Regulations in any way.*

Or. en

**Amendment 136**  
**Dennis de Jong**

**Proposal for a regulation**  
**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

*(10a) Article 6 of Regulation (EC) No 593/2008 governs consumer contracts. Pursuant to that article, a contract which a consumer has concluded with a trader is subject to the law of the State in which the consumer has his or her normal place of residence, provided that the trader, by any means, directs a professional or commercial activity to that country. In the cases defined in Article 4(1)(a) to (c), the provider does not direct his activity to the consumer's Member State. In such cases Regulation (EC) No 593/2008 stipulates that the contract is not subject to the law of the consumer's State of residence. The principle of freedom of choice (Article 3 of Regulation (EC) No 593/2008) applies here. The same applies to jurisdiction, which is governed by Regulation (EU) No*

**Amendment 137**

**Virginie Rozière, Liisa Jaakonsaari, Maria Grapini, Marc Tarabella, Nicola Danti, Marlene Mizzi, Anna Hedh, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt, Sergio Gutiérrez Prieto**

**Proposal for a regulation**

**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) The mere fact that a trader acts in accordance with the provisions of this Regulation should not be interpreted as a sign that he is directing his activities to the Member State of the consumer within the meaning of Regulation (EC) No 593/2008 and Regulation (EU) No 1215/2012, in accordance with the well established case-law of the Court of Justice of the European Union.***

**Amendment 138**

**Róza Gräfin von Thun und Hohenstein, Ildikó Gáll-Pelcz, Dariusz Rosati, Adam Szejnfeld, Ivan Štefanec, Agnieszka Kozłowska-Rajewicz**

**Proposal for a regulation**

**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) In case the commercial practice of the trader does not correspond to his or her indication pursuant to Article 8a, Article 6 of Regulation (EC) No 593/2008 and Article 18 of Regulation (EU) 1215/2012 should apply. Moreover, this should be without prejudice to any trader's liability for misleading or unfair practice pursuant to Directive 2005/29/EC***

*of the European Parliament and of the Council* <sup>1a</sup>.

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*<sup>1a</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22).*

Or. en

**Amendment 139**

**Julia Reda**

**Proposal for a regulation**

**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

*(10a) Where a trader directs his activities to a consumer's Member State even when such commercial targeting is not explicitly mentioned by the trader's online interface, consumers should not lose the benefit from Regulation (EC) No 593/2008 and Regulation (EU) 1215/2012, which should remain applicable for the sake of legal certainty, subject to the case-law of the Court of Justice of the European Union.*

Or. en

**Amendment 140**

**Virginie Rozière, Liisa Jaakonsaari, Maria Grapini, Marc Tarabella, Anna Hedh, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

**(10b) Where applicable, rules on precontractual information, the right of withdrawal, its exercise and its effects, delivery, and the passing of risk should be governed by Directive 2011/83/EU of the European Parliament and of the Council<sup>1a</sup>.**

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<sup>1a</sup> **Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).**

Or. en

**Amendment 141**  
**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

*Amendment*

(11) The discriminatory practices that this Regulation seeks to address typically take place through general terms, conditions and other information set and applied by or on behalf of the trader concerned, as a precondition for obtaining access to the goods or services in question, and that are made available to the public at large. Such general conditions of access include inter alia prices, payment conditions and delivery conditions. They can be made available to the public at large

(11) The discriminatory practices that this Regulation seeks to address typically take place through general terms, conditions and other information set and applied by or on behalf of the trader concerned, as a precondition for obtaining access to the goods or services in question, and that are made available to the public at large. Such general conditions of access include inter alia prices, payment conditions and delivery conditions. They can be made available to the public at large

by or on behalf of the trader through various means, such as information published in advertisements, on websites or pre-contractual or contractual documentation. Such conditions apply in the absence of an individually negotiated agreement to the contrary entered into directly between the trader and the **customer**. Terms and conditions that are individually negotiated between the trader and the **customers** should not be considered general conditions of access for the purposes of this Regulation.

by or on behalf of the trader through various means, such as information published in advertisements, on websites or pre-contractual or contractual documentation. Such conditions apply in the absence of an individually negotiated agreement to the contrary entered into directly between the trader and the **consumer**. Terms and conditions that are individually negotiated between the trader and the **consumers** should not be considered general conditions of access for the purposes of this Regulation.

Or. en

## **Amendment 142**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Anna Hedh, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt**

### **Proposal for a regulation**

#### **Recital 11**

##### *Text proposed by the Commission*

(11) The discriminatory practices that this Regulation seeks to address typically take place through general terms, conditions and other information set and applied by or on behalf of the trader concerned, as a precondition for obtaining access to the goods or services in question, and that are made available to the public at large. Such general conditions of access include inter alia prices, payment conditions and delivery conditions. They can be made available to the public at large by or on behalf of the trader through various means, such as information published in advertisements, on websites or pre-contractual or contractual documentation. Such conditions apply in the absence of an individually negotiated agreement to the contrary entered into directly between the trader and the **customer**. Terms and conditions that are individually negotiated between the trader

##### *Amendment*

(11) The discriminatory practices that this Regulation seeks to address typically take place through general terms, conditions and other information set and applied by or on behalf of the trader concerned, as a precondition for obtaining access to the goods or services in question, and that are made available to the public at large. Such general conditions of access include inter alia prices, payment conditions and delivery conditions. They can be made available to the public at large by or on behalf of the trader through various means, such as information published in advertisements, on websites or pre-contractual or contractual documentation. Such conditions apply in the absence of an individually negotiated agreement to the contrary entered into directly between the trader and the **consumer**. Terms and conditions that are individually negotiated between the trader

and the *customers* should not be considered general conditions of access for the purposes of this Regulation.

and the *consumer* should not be considered general conditions of access for the purposes of this Regulation.

Or. en

### Amendment 143

Dita Charanzová, Kaja Kallas, Morten Løkkegaard

#### Proposal for a regulation

##### Recital 11

###### *Text proposed by the Commission*

(11) The discriminatory practices that this Regulation seeks to address typically take place through general terms, conditions and other information set and applied by or on behalf of the trader concerned, as a precondition for obtaining access to the goods or services in question, and that are made available to the public at large. Such general conditions of access include inter alia prices, payment conditions and delivery conditions. They can be made available to the public at large by or on behalf of the trader through various means, such as information published in advertisements, on websites *or* pre-contractual or contractual *documentation*. Such conditions apply in the absence of *an* individually negotiated *agreement to the contrary entered into directly* between the trader and the customer. Terms and conditions that are individually negotiated between the trader and the customers should not be considered general conditions of access for the purposes of this Regulation.

###### *Amendment*

(11) The discriminatory practices that this Regulation seeks to address typically take place through general terms, conditions and other information set and applied by or on behalf of the trader concerned, as a precondition for obtaining access to the goods or services in question, and that are made available to the public at large. Such general conditions of access include inter alia prices, *requirements based on telephone prefixes*, payment conditions and delivery conditions. They can be made available to the public at large by or on behalf of the trader through various means, such as information published in advertisements *or* on websites, *or may form part of* pre-contractual or contractual *information*. Such conditions apply in the absence of individually negotiated *terms and conditions* between the trader and the customer. Terms and conditions that are individually negotiated between the trader and the customers should not be considered general conditions of access for the purposes of this Regulation. *However, the possibility of individually negotiating terms and conditions or agreeing individually upon additional rights or obligations should not result in geo-blocking or other unjustified forms of discrimination addressed by this*

## ***Regulation.***

Or. en

### *Justification*

*Based on the amendment of the Rapporteur, while maintaining the definition of customer within the text*

#### **Amendment 144** **Inese Vaidere**

#### **Proposal for a regulation** **Recital 11**

##### *Text proposed by the Commission*

(11) The discriminatory practices that this Regulation seeks to address typically take place through general terms, conditions and other information set and applied by or on behalf of the trader concerned, as a precondition for obtaining access to the goods or services in question, and that are made available to the public at large. Such general conditions of access include inter alia prices, payment conditions and delivery conditions. They can be made available to the public at large by or on behalf of the trader through various means, such as information published in advertisements, on websites or pre-contractual or contractual documentation. Such conditions apply in the absence of an individually negotiated agreement to the contrary entered into directly between the trader and the customer. Terms and conditions that are individually negotiated between the trader and the customers should not be considered general conditions of access for the purposes of this Regulation.

##### *Amendment*

(11) The discriminatory practices that this Regulation seeks to address typically take place through general terms, conditions and other information set and applied by or on behalf of the trader concerned, as a precondition for obtaining access to the goods or services in question, and that are made available to the public at large. Such general conditions of access include inter alia prices, payment conditions and delivery conditions. They can be made available to the public at large by or on behalf of the trader through various means, such as information published in advertisements, on websites or pre-contractual or contractual documentation. Such conditions apply in the absence of an individually negotiated agreement to the contrary entered into directly between the trader and the customer. Terms and conditions that are individually negotiated between the trader and the customers should not be considered general conditions of access for the purposes of this Regulation. ***Nevertheless, such terms and conditions should not result in geo-blocking.***

Or. en



## **Amendment 145**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Olga Sehnalová, Nicola Danti, Marlene Mizzi, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

### **Proposal for a regulation**

#### **Recital 12**

*Text proposed by the Commission*

*Amendment*

**(12) Both consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.** *deleted*

Or. en

## **Amendment 146**

**Antanas Guoga**

### **Proposal for a regulation**

#### **Recital 12**

*Text proposed by the Commission*

*Amendment*

**(12) Both consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, because it would** *deleted*

*affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.*

Or. en

**Amendment 147**  
**Dennis de Jong**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) Both consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. *However, that protection should not extend to customers purchasing a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.*

*Amendment*

(12) Both consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation.

Or. en

*Justification*

*If restrictions imposed by suppliers on retailers are maintained, the consumer will not be able to fully enjoy the benefits on the internal markets and the impact of banning unjustified geo-blocking will remain limited.*

**Amendment 148**  
**Marco Zullo**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) Both consumers and undertakings should be **safeguarded** from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

*Amendment*

(12) **Both consumers and undertakings, in particular micro-enterprises and SMEs, meet similar conditions of access when acquiring goods and services as end-users. Therefore,** both consumers and undertakings should be **protected** from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, **conversion, processing, or renting** because it would affect widely used distribution schemes between undertakings in a business to business context, **often negotiated bilaterally and linked to commercial strategies**, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

Or. it

**Amendment 149**  
**Dita Charanzová, Kaja Kallas, Morten Løkkegaard**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) Both consumers and undertakings should be **safeguarded from** discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service

*Amendment*

(12) **When purchasing goods or services as end-users under general conditions of access, consumers and undertakings, in particular microenterprises, small and medium enterprises, are often in a similar position. Hence,** both consumers and undertakings should be **protected against** discrimination

for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for *subsequent resale, transformation, processing or renting* because it would affect widely used distribution schemes between undertakings in a business to business context, *often negotiated bilaterally and directly linked to the commercial strategies at downstream and upstream level*, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

Or. en

*(text of the Council General approach)*

## **Amendment 150**

**Robert Jarosław Iwaszkiewicz**

### **Proposal for a regulation**

#### **Recital 12**

*Text proposed by the Commission*

(12) **Both** consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

*Amendment*

(12) **With respect to online services and trade, both** consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on

competition.

Or. pl

## **Amendment 151**

**Inese Vaidere**

### **Proposal for a regulation**

#### **Recital 12**

##### *Text proposed by the Commission*

(12) Both consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

##### *Amendment*

(12) Both consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence, ***place of temporary location*** or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

Or. en

## **Amendment 152**

**Maria Grapini**

### **Proposal for a regulation**

#### **Recital 12**

##### *Text proposed by the Commission*

(12) Both consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service

##### *Amendment*

(12) Both consumers and undertakings, ***particularly SMEs***, should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing

for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

Or. ro

**Amendment 153**  
**Anneleen Van Bossuyt**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) Both consumers and undertakings should be safeguarded from discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

*Amendment*

(12) Both consumers and undertakings should be safeguarded from *unjustified* discrimination for reasons related to their nationality, place of residence or place of establishment when acting as customers for the purposes of this Regulation. However, that protection should not extend to customers purchasing a good or a service for resale, because it would affect widely used distribution schemes between undertakings in a business to business context, such as selective and exclusive distribution, which generally allow for manufacturers to select their retailers, subject to compliance with the rules on competition.

Or. en

**Amendment 154**  
**Franz Obermayr**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

*Amendment*

**(13) The effects for customers and on the internal market of discriminatory treatment in connection to commercial transactions relating to the sales of goods or the provision of services within the Union are the same, regardless of whether a trader is established in a Member State or in a third country. Therefore, and with a view to ensuring that competing traders are subject to the same requirements in this regard, the measures set out in this Regulation should apply equally to all traders operating within the Union.**

**deleted**

Or. de

#### **Amendment 155**

**Virginie Rozière, Liisa Jaakonsaari, Maria Grapini, Marc Tarabella, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

#### **Proposal for a regulation**

#### **Recital 13**

*Text proposed by the Commission*

*Amendment*

(13) The effects for *customers* and on the internal market of discriminatory treatment in connection to commercial transactions relating to the sales of goods or the provision of services within the Union are the same, regardless of whether a trader is established in a Member State or in a third country. Therefore, and with a view to ensuring that competing traders are subject to the same requirements in this regard, the measures set out in this Regulation should apply equally to all traders operating within the Union.

(13) The effects for *consumers* and on the internal market of *unjustified* discriminatory treatment in connection to commercial transactions relating to the sales of goods or the provision of services within the Union are the same, regardless of whether a trader is established in a Member State or in a third country. Therefore, and with a view to ensuring that competing traders are subject to the same requirements in this regard, the measures set out in this Regulation should apply equally to all traders operating within the Union.

Or. en

**Amendment 156**  
**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation**  
**Recital 13**

*Text proposed by the Commission*

(13) The effects for *customers* and on the internal market of discriminatory treatment in connection to commercial transactions relating to the sales of goods or the provision of services within the Union are the same, regardless of whether a trader is established in a Member State or in a third country. Therefore, and with a view to ensuring that competing traders are subject to the same requirements in this regard, the measures set out in this Regulation should apply equally to all traders operating within the Union.

*Amendment*

(13) The effects for *consumers* and on the internal market of discriminatory treatment in connection to commercial transactions relating to the sales of goods or the provision of services within the Union are the same, regardless of whether a trader is established in a Member State or in a third country. Therefore, and with a view to ensuring that competing traders are subject to the same requirements in this regard, the measures set out in this Regulation should apply equally to all traders operating within the Union.

Or. en

**Amendment 157**  
**Antanas Guoga**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) In order to increase the possibility for *customers* to access information related to the sales of goods and the provision of services on the internal market and to increase transparency, including with respect to prices, traders should not, through the use of technological measures or otherwise, prevent *customers* from having full and equal access to online interfaces on the basis of their nationality, place of residence *or place of establishment*. *Such* technological measures can encompass, in particular, any technologies used to determine the physical location of the *customer*, including the

*Amendment*

(14) In order to increase the possibility for *consumers* to access information related to the sales of goods and the provision of services on the internal market and to increase transparency, including with respect to prices, traders should not, through the use of technological measures or otherwise, prevent *consumers* from having full and equal access to online interfaces on the basis of their nationality *or place of residence*. *Access to online interfaces in the form of a mobile application should not be blocked in any possible way to consumers if they prefer to access their chosen online interface*



tracking of that by means of IP address, coordinates obtained through a global navigation satellite system or data related to a payment transaction. However, that prohibition of discrimination with respect to access to online interfaces should not be understood as creating an obligation for the trader to engage in commercial transactions with *customers*.

*through such means and a trader offers such an option in a Member State.*

Technological measures *that prevent such access* can encompass, in particular, any technologies used to determine the physical location of the *consumer*, including the tracking of that by means of IP address, coordinates obtained through a global navigation satellite system or data related to a payment transaction. However, that prohibition of discrimination with respect to access to online interfaces should not be understood as creating an obligation for the trader to engage in commercial transactions with *consumers*.

Or. en

#### **Amendment 158**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

#### **Proposal for a regulation**

#### **Recital 14**

##### *Text proposed by the Commission*

(14) In order to increase the possibility for *customers* to access information related to the sales of goods and the provision of services on the internal market and to increase transparency, including with respect to prices, traders should not, through the use of technological measures or otherwise, prevent *customers* from having full and equal access to online interfaces on the basis of their nationality, *place of residence* or place of *establishment*. Such technological measures can encompass, in particular, any technologies used to determine the physical location of the *customer*, including the tracking of that by means of IP address, coordinates obtained through a global navigation satellite system or data related to a payment transaction. However, that prohibition of discrimination with respect

##### *Amendment*

(14) In order to increase the possibility for *consumers* to access information related to the sales of goods and the provision of services on the internal market and to increase transparency, including with respect to prices, traders should not, through the use of technological measures or otherwise, prevent *consumers* from having full and equal access to online interfaces on the basis of their nationality or place of *residence*. Such technological measures can encompass, in particular, any technologies used to determine the physical location of the *consumer*, including the tracking of that by means of IP address, coordinates obtained through a global navigation satellite system or data related to a payment transaction. However, that prohibition of discrimination with respect to access to online interfaces should not be

to access to online interfaces should not be understood as creating an obligation for the trader to engage in commercial transactions with *customers*.

understood as creating an obligation for the trader to engage in commercial transactions with *consumers*.

Or. en

## Amendment 159

Dita Charanzová, Kaja Kallas, Marietje Schaake

### Proposal for a regulation

#### Recital 14

##### *Text proposed by the Commission*

(14) In order to increase the possibility for customers to access information related to the sales of goods and the provision of services *on* the internal market and to increase transparency, including with respect to prices, traders should not, through the use of technological measures or otherwise, prevent customers from having full and equal access to online interfaces on the basis of their nationality, place of residence or place of establishment. *Such* technological measures can encompass, in particular, any technologies used to determine the physical location of the customer, including the tracking of that by means of IP address, coordinates obtained through a global navigation satellite system or data related to a payment transaction. However, that prohibition of discrimination with respect to access to online interfaces should not be understood as creating an obligation for the trader to engage in commercial transactions with customers.

##### *Amendment*

(14) In order to increase the possibility for customers to access information related to the sales of goods and the provision of services *within* the internal market and to increase transparency, including with respect to prices *but not limited to them*, traders *or any other parties acting on their behalf, including intermediaries, online marketplaces and operators of online interfaces for the purposes of access*, should not, through the use of technological measures or otherwise, prevent customers from having full and equal access to online interfaces on the basis of their nationality, place of residence or *temporary location*, or place of establishment. *Full and equal access to online interfaces in the form of a mobile application includes the possibility for the customer to download and access any version of the mobile application a trader may operate in one or more Member States*. Technological measures *that prevent such access* can encompass, *but not be limited to*, in particular, any technologies used to determine the physical location of the customer, including the tracking of that *location* by means of IP address, *surfing history and/or patterns, GSM tracking or localisation*, coordinates obtained through a global navigation satellite system or data related to a

payment transaction. However, that prohibition of discrimination with respect to access to online interfaces should not be understood as creating an obligation for the trader to engage in commercial transactions with customers.

Or. en

## **Amendment 160**

**Marco Zullo**

### **Proposal for a regulation**

#### **Recital 14**

##### *Text proposed by the Commission*

(14) In order to increase the possibility for customers to access information related to the sales of goods and the provision of services on the internal market and to increase transparency, including with respect to prices, traders should not, through the use of technological measures or otherwise, prevent customers from having full and equal access to online interfaces on the basis of their nationality, place of residence or place of establishment. Such technological measures can encompass, in particular, any technologies used to determine the physical location of the customer, including the tracking of that by means of IP address, coordinates obtained through a global navigation satellite system or data related to a payment transaction. However, that prohibition of discrimination with respect to access to online interfaces should not be understood as creating an obligation for the trader to engage in commercial transactions with customers.

##### *Amendment*

(14) In order to increase the possibility for customers to access information related to the sales of goods and the provision of services on the internal market and to increase transparency, including with respect to prices, traders should not, through the use of technological measures or otherwise, prevent customers from having full and equal access to online interfaces, ***including all versions of the applications available***, on the basis of their nationality, place of residence or place of establishment. Such technological measures can encompass, in particular, any technologies used to determine the physical location of the customer, including the tracking of that by means of IP address, coordinates obtained through a global navigation satellite system or data related to a payment transaction. However, that prohibition of discrimination with respect to access to online interfaces should not be understood as creating an obligation for the trader to engage in commercial transactions with customers.

Or. it

## Amendment 161

Inese Vaidere

### Proposal for a regulation

#### Recital 14

*Text proposed by the Commission*

(14) In order to increase the possibility for customers to access information related to the sales of goods and the provision of services on the internal market and to increase transparency, including with respect to prices, traders should not, through the use of technological measures or otherwise, prevent customers from having full and equal access to online interfaces on the basis of their nationality, place of residence or place of establishment. Such technological measures can encompass, in particular, any technologies used to determine the physical location of the customer, including the tracking of that by means of IP address, coordinates obtained through a global navigation satellite system or data related to a payment transaction. However, that prohibition of discrimination with respect to access to online interfaces should not be understood as creating an obligation for the trader to engage in commercial transactions with customers.

*Amendment*

(14) In order to increase the possibility for customers to access information related to the sales of goods and the provision of services on the internal market and to increase transparency, including with respect to prices, traders should not, through the use of technological measures or otherwise, prevent customers from having full and equal access to online interfaces on the basis of their nationality, place of residence, ***place of temporary location*** or place of establishment. Such technological measures can encompass, in particular, any technologies used to determine the physical location of the customer, including the tracking of that by means of IP address, coordinates obtained through a global navigation satellite system or data related to a payment transaction. However, that prohibition of discrimination with respect to access to online interfaces should not be understood as creating an obligation for the trader to engage in commercial transactions with customers.

Or. en

## Amendment 162

Dita Charanzová, Kaja Kallas

### Proposal for a regulation

#### Recital 14 a (new)

*Text proposed by the Commission*

*Amendment*

***(14a) In order to ensure the equal treatment of customers and to avoid discrimination in practice, traders' websites, mobile applications and all other***

*interfaces should be designed to allow data entry in forms from a Member State other than that of the trader. In particular, websites should permit the entry of addresses, telephone numbers, including international prefixes, VAT numbers, bank account numbers, including IBAN and BIC numbers, and any other data from a Member State other than that of the trader which is required in order to complete an order through that trader's online interface. Requiring a customer to use solely other means to order, such as email or a telephone, should not be permitted unless these are the primary means for all customers, including those from the Member State of the trader, to make such an order.*

Or. en

**Amendment 163**  
**Franz Obermayr**

**Proposal for a regulation**  
**Recital 14 a (new)**

*Text proposed by the Commission*

*Amendment*

*(14a) At no stage, however, should a contractual obligation for the trader ensue. Traders should be able at any time to withdraw from a contract for sale in the event of the sale or delivery of the goods entailing costs liable to reduce their profit to an unacceptable degree or to be to the ongoing detriment of their business model.*

Or. de

**Amendment 164**  
**Biljana Borzan**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Certain traders operate different versions of their online interfaces, targeting customers from different Member States. While this should remain possible, redirecting a customer from one version of the online interface to another version without his or her explicit consent should be prohibited. All versions of the online interface should remain easily accessible to the customer at all times.

*Amendment*

(15) Certain traders operate different versions of their online interfaces, targeting customers from different Member States, ***which can cause significant differences on product and price offers to certain groups of consumers***. While this should remain possible, redirecting a customer from one version of the online interface to another version without his or her explicit consent should be prohibited. All versions of the online interface should remain easily accessible to the customer at all times.

Or. en

**Amendment 165**

**Virginie Rozière, Liisa Jaakonsaari, Maria Grapini, Marc Tarabella, Anna Hedh, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Certain traders operate different versions of their online interfaces, targeting ***customers*** from different Member States. While this should remain possible, redirecting a ***customer*** from one version of the online interface to another version without his or her explicit consent should be prohibited. All versions of the online interface should remain easily accessible to the ***customer*** at all times.

*Amendment*

(15) Certain traders operate different versions of their online interfaces, targeting ***consumers*** from different Member States. While this should remain possible, redirecting a ***consumer*** from one version of the online interface to another version without his or her ***prior*** explicit consent should be prohibited. All versions of the online interface should remain easily accessible to the ***consumer*** at all times.

Or. en

**Amendment 166**

**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Certain traders operate different versions of their online interfaces, targeting *customers* from different Member States. While this should remain possible, redirecting a *customer* from one version of the online interface to another version without his or her explicit consent should be prohibited. All versions of the online interface should remain easily accessible to the *customer* at all times.

*Amendment*

(15) Certain traders operate different versions of their online interfaces, targeting *consumers* from different Member States. While this should remain possible, redirecting a *consumer* from one version of the online interface to another version without his or her explicit consent should be prohibited. All versions of the online interface should remain easily accessible to the *consumer* at all times.

Or. en

**Amendment 167**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Certain traders operate different versions of their online interfaces, targeting customers from different Member States. While this should remain possible, redirecting a customer from one version of the online interface to another version without his or her explicit consent should be prohibited. All versions of the online interface should remain easily accessible to the customer at all times.

*Amendment*

(15) Certain traders operate different versions of their online interfaces, targeting customers from different Member States. While this should remain possible, redirecting a customer from one version of the online interface to another version without his or her explicit consent should be prohibited. ***Traders should not have an obligation to ask for the customer's explicit consent each time the customer visits the same online interface, given that the customer has already been informed of the redirection. Once the customer has given his explicit consent, traders should be permitted to store information on that consent that is valid for all following visits.*** All versions of the online interface should remain easily accessible to the customer at all times.

Or. ro

**Amendment 168**  
**Dita Charanzová, Kaja Kallas**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Certain traders operate different versions of their online interfaces, targeting customers from different Member States. While this should remain possible, redirecting a customer from one version of the online interface to another version without his or her explicit consent should be prohibited. All versions of the online interface should remain easily accessible to the customer at all times.

*Amendment*

(15) Certain traders operate different versions of their online interfaces, targeting customers from different Member States. While this should remain possible, redirecting a customer from one version of the online interface to another version without his or her explicit consent should be prohibited. ***Traders should not be under the obligation to require the customer's explicit consent each time the same customer visits the same online interface. Once the customer's explicit consent has been given it should be deemed valid for all subsequent visits of the same customer to the same online interface.*** All versions of the online interface should remain easily accessible to the customer at all times.

Or. en

*(text of the Council General approach)*

**Amendment 169**  
**Anneleen Van Bossuyt**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) Certain traders operate different versions of their online interfaces, targeting customers from different Member States. While this should remain possible, redirecting a customer from one version of the online interface to another version without his or her explicit consent should be prohibited. All versions of the online interface should remain easily accessible to

*Amendment*

(15) Certain traders operate different versions of their online interfaces, targeting customers from different Member States. While this should remain possible, redirecting a customer from one version of the online interface to another version without his or her explicit consent should be prohibited. ***Once the consumer has expressed a preference with regards to***



the customer at all times.

*redirection it should be deemed valid for all subsequent visits of the same customer to the same online interface. However, all versions of the online interface should remain easily accessible to the customer at all times.*

Or. en

## **Amendment 170**

**Antanas Guoga**

### **Proposal for a regulation**

#### **Recital 16**

##### *Text proposed by the Commission*

(16) In certain cases, blocking, limiting of access or redirection without the *customer's* consent to an alternative version of an online interface for reasons related to the *customer's* nationality, place or residence *or place of establishment might be* necessary in order to ensure compliance with a legal requirement in Union law or in the laws of Member *States* in accordance with Union law. Such laws *can* limit *customers'* access to certain goods or services, for instance by prohibiting the display of specific content in certain Member *States*. Traders should not be prevented from complying with such requirements and thus be able to block, limit the access or redirect certain *customers or customers* in certain territories to an online interface, insofar as that *is* necessary for that reason.

##### *Amendment*

(16) In certain cases, blocking, limiting of access or redirection without the *consumer's* consent to an alternative version of an online interface for reasons related to the *consumer's* nationality *or* place or residence *could be justified only if it is* necessary in order to ensure compliance with a legal requirement in Union law or in the laws of *a* Member *State* in accordance with Union law. Such laws *might* limit *consumers'* access to certain goods or services, for instance by prohibiting the display of specific content in certain Member *State*. Traders should not be prevented from complying with such requirements and thus *should* be able to block, limit the access or redirect certain *consumers or consumers* in certain territories to an online interface, insofar as that *may be* necessary for that reason. *In this regard, a consumer should be notified on an online interface about the purpose of blocking, limiting or redirection to an alternative version of an online interface.*

Or. en

## Amendment 171

Virginie Rozière, Maria Grapini, Marc Tarabella, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt

### Proposal for a regulation

#### Recital 16

##### *Text proposed by the Commission*

(16) In certain cases, blocking, limiting of access or redirection without the *customer's* consent to an alternative version of an online interface for reasons related to the *customer's* nationality, *place or residence* or place *of establishment* might be necessary in order to ensure compliance with a legal requirement in Union law or in the laws of Member States in accordance with Union law. Such laws can limit *customers'* access to certain goods or services, for instance by prohibiting the display of specific content in certain Member States. Traders should not be prevented from complying with such requirements and thus be able to block, limit the access or redirect certain *customers or customers* in certain territories to an online interface, insofar as that is necessary for that reason.

##### *Amendment*

(16) In certain cases, blocking, limiting of access or redirection without the *consumer's* consent to an alternative version of an online interface for reasons related to the *consumer's* nationality or place *or residence* might be necessary in order to ensure compliance with a legal requirement in Union law or in the laws of Member States in accordance with Union law. Such laws can limit *consumer's* access to certain goods or services, for instance by prohibiting the display of specific content in certain Member States. Traders should not be prevented from complying with such requirements and thus be able to block, limit the access or redirect certain *consumers or consumers* in certain territories to an online interface, insofar as that is necessary for that reason.

Or. en

## Amendment 172

Inese Vaidere

### Proposal for a regulation

#### Recital 16

##### *Text proposed by the Commission*

(16) In certain cases, blocking, limiting of access or redirection without the customer's consent to an alternative version of an online interface for reasons related to the customer's nationality, place or residence or place of establishment might be necessary in order to ensure compliance

##### *Amendment*

(16) In certain cases, blocking, limiting of access or redirection without the customer's consent to an alternative version of an online interface for reasons related to the customer's nationality, place or residence, *place of temporary location* or place of establishment might be necessary

with a legal requirement in Union law or in the laws of Member States in accordance with Union law. Such laws can limit customers' access to certain goods or services, for instance by prohibiting the display of specific content in certain Member States. Traders should not be prevented from complying with such requirements and thus be able to block, limit the access or redirect certain customers or customers in certain territories to an online interface, insofar as that is necessary for that reason.

in order to ensure compliance with a legal requirement in Union law or in the laws of Member States in accordance with Union law. Such laws can limit customers' access to certain goods or services, for instance by prohibiting the display of specific content in certain Member States. Traders should not be prevented from complying with such requirements and thus be able to block, limit the access or redirect certain customers or customers in certain territories to an online interface, insofar as that is necessary for that reason.

Or. en

### **Amendment 173**

**Dita Charanzová, Jasenko Selimovic, Kaja Kallas, Marietje Schaake, Morten Løkkegaard**

#### **Proposal for a regulation**

##### **Recital 16**

###### *Text proposed by the Commission*

(16) In certain cases, blocking, limiting of access or redirection without the customer's consent to an alternative version of an online interface for reasons related to the customer's nationality, place or residence or place of establishment might be necessary in order to ensure compliance with a legal requirement in Union law or in the laws of Member States in accordance with Union law. Such laws can limit customers' access to certain goods or services, for instance by prohibiting the display of specific content in certain Member States. Traders should not be prevented from complying with such requirements and thus be able to block, limit the access or redirect certain customers or customers in certain territories to an online interface, insofar as that is necessary for that reason.

###### *Amendment*

(16) In certain cases, blocking, limiting of access or redirection without the customer's consent to an alternative version of an online interface for reasons related to the customer's nationality, place or residence or **temporary location**, or place of establishment might be necessary in order to ensure compliance with a legal requirement in Union law or in the laws of Member States in accordance with Union law. Such laws can limit customers' access to certain goods or services, for instance by prohibiting the display of specific content in certain Member States. Traders should not be prevented from complying with such requirements and thus be able to block, limit the access or redirect certain customers or customers in certain territories to an online interface, insofar as that is necessary for that reason.

Or. en

*Justification*

*Based on the amendment of the Rapporteur, while maintaining the definition of customer within the text*

**Amendment 174**  
**Franz Obermayr**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

*Amendment*

*(17) In a number of specific situations, any differences in the treatment of customers through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the customers' nationality, place of residence or place of establishment cannot be objectively justified. In those situations, all such discrimination should be prohibited and customers should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local customer and have full and equal access to any of the different goods or services offered irrespective of their nationality, place of residence or place of establishment. Where necessary, traders should therefore take measures to ensure compliance with that prohibition of discrimination if otherwise the customers concerned would be precluded from having such full and equal access. However, the prohibition applicable in those situations should not be understood as precluding traders from directing their activities at different Member States or certain groups of customers with targeted offers and differing terms and conditions, including through the setting-up of country-specific online interfaces.*

*deleted*

**Amendment 175****Antanas Guoga****Proposal for a regulation****Recital 17***Text proposed by the Commission*

(17) In a number of specific situations, any differences in the treatment of **customers** through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the **customers'** nationality, **place of residence** or place of **establishment** cannot be objectively justified. In those situations, all such discrimination should be prohibited and **customers** should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local **customer** and have full and equal access to any of the different goods or services offered irrespective of their nationality, **place of residence** or place of **establishment**. Where necessary, traders should therefore take measures to ensure compliance with that prohibition of discrimination if otherwise the **customers** concerned would be precluded from having such full and equal access. **However, the prohibition applicable in those situations should not be understood as precluding traders from directing their activities at different Member States or certain groups of customers with targeted offers and differing terms and conditions, including through the setting-up of country-specific online interfaces.**

*Amendment*

(17) In a number of specific situations, any differences in the treatment of **consumers** through the application of general conditions of access, including outright refusals to sell goods, **accept certain financial transactions that are officially stated by a trader** or to provide services, for reasons related to the **consumers'** nationality or place of **residence** cannot be objectively justified. In those situations, all such discrimination should be prohibited and **consumers** should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local **consumer** and have full and equal access to any of the different goods or services offered irrespective of their nationality or place of **residence**. Where necessary, traders should therefore take measures to ensure compliance with that prohibition of discrimination if otherwise the **consumers** concerned would be precluded from having such full and equal access.

## Amendment 176

Virginie Rozière, Maria Grapini, Marc Tarabella, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt

### Proposal for a regulation

#### Recital 17

##### *Text proposed by the Commission*

(17) In a number of specific situations, any differences in the treatment of **customers** through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the **customers'** nationality, **place of residence** or place of **establishment** cannot be objectively justified. In those situations, all such discrimination should be prohibited and **customers** should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local **customer** and have full and equal access to any of the different goods or services offered irrespective of their nationality, **place of residence** or place of **establishment**. Where necessary, traders should therefore take measures to ensure compliance with that prohibition of discrimination **if otherwise the customers concerned would be precluded from having such full and equal access**. However, the prohibition applicable in those situations should not be understood as precluding traders from directing their activities at different Member States or certain groups of **customers** with targeted offers and differing terms and conditions, including through the setting-up of **country-specific** online interfaces.

##### *Amendment*

(17) In a number of specific situations, any differences in the treatment of **consumers** through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the **consumer's** nationality or place of **residence** cannot be objectively justified. In those situations, all such discrimination should be prohibited and **consumers** should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local **consumer** and have full and equal access to any of the different goods or services offered irrespective of their nationality or place of **residence**. Where necessary, traders should therefore take measures to ensure compliance with that prohibition of discrimination. However, the prohibition applicable in those situations should not be understood as precluding traders from directing their activities at different Member States or certain groups of **consumers** with targeted offers and differing terms and conditions, including through the setting-up of **Member State specific** online interfaces, **possibly offering different prices**.

Or. en

## Amendment 177

Dita Charanzová, Marietje Schaake, Morten Løkkegaard

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) In a number of specific situations, any differences in the treatment of customers through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the customers' nationality, place of residence or place of establishment cannot be objectively justified. In those situations, all such discrimination should be prohibited and customers should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local customer and have full and equal access to any of the different goods or services offered irrespective of their nationality, place of residence or place of establishment. Where necessary, **traders** should therefore take measures to ensure compliance with that prohibition of discrimination if otherwise the customers concerned would be precluded from having such full and equal access. However, the prohibition applicable in those situations should not be understood as precluding traders from directing their activities at different Member States or certain groups of customers with targeted offers and differing **terms and** conditions, including through the setting-up of country-specific online interfaces.

*Amendment*

(17) In a number of specific situations, any differences in the treatment of customers through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the customers' nationality, place of residence or **temporary location, or** place of establishment cannot be objectively justified. In those situations, all such discrimination should be prohibited and customers should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local customer and **should** have full and equal access to any of the different goods or services offered, irrespective of their nationality, place of residence or **temporary location, or** place of establishment. Where necessary, **a trader** should therefore take measures to ensure compliance with that prohibition of discrimination if otherwise the customers concerned would be precluded from having such full and equal access. However, the prohibition applicable in those situations should not be understood as precluding traders from directing their activities at different Member States or certain groups of customers with targeted offers and differing **general conditions of access**, including through the setting-up of country-specific online interfaces **which may include different prices**.

Or. en

*Justification*

*Based on the amendment of the Rapporteur, while maintaining the definition of customer within the text*

**Amendment 178**  
**Inese Vaidere**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) In a number of specific situations, any differences in the treatment of customers through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the customers' nationality, place of residence or place of establishment cannot be objectively justified. In those situations, all such discrimination should be prohibited and customers should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local customer and have full and equal access to any of the different goods or services offered irrespective of their nationality, place of residence or place of establishment. Where necessary, traders should therefore take measures to ensure compliance with that prohibition of discrimination if otherwise the customers concerned would be precluded from having such full and equal access. However, the prohibition applicable in those situations should not be understood as precluding traders from directing their activities at different Member States or certain groups of customers with targeted offers and differing terms and conditions, including through the setting-up of country-specific online interfaces.

*Amendment*

(17) In a number of specific situations, any differences in the treatment of customers through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the customers' nationality, place of residence, ***place of temporary location*** or place of establishment cannot be objectively justified. In those situations, all such discrimination should be prohibited and customers should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local customer and have full and equal access to any of the different goods or services offered irrespective of their nationality, place of residence or place of establishment. Where necessary, traders should therefore take measures to ensure compliance with that prohibition of discrimination if otherwise the customers concerned would be precluded from having such full and equal access. However, the prohibition applicable in those situations should not be understood as precluding traders from directing their activities at different Member States or certain groups of customers with targeted offers and differing terms and conditions, including through the setting-up of country-specific online interfaces.

Or. en

**Amendment 179**  
**Marco Zullo**



**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) In a number of specific situations, any differences in the treatment of customers through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the customers' nationality, place of residence or place of establishment cannot be objectively justified. In those situations, all such discrimination should be prohibited and customers should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local customer and have full and equal access to any of the different goods or services offered irrespective of their nationality, place of residence or place of establishment. Where necessary, traders should therefore take measures to ensure compliance with that prohibition of discrimination if otherwise the customers concerned would be precluded from having such full and equal access. However, the prohibition applicable in those situations ***should not be understood as precluding*** traders from ***directing their activities at different Member States or certain groups of customers with*** targeted offers and differing terms and conditions, including through the setting-up of country-specific online interfaces.

*Amendment*

(17) In a number of specific situations, any differences in the treatment of customers through the application of general conditions of access, including outright refusals to sell goods or to provide services, for reasons related to the customers' nationality, place of residence or place of establishment cannot be objectively justified. In those situations, all such discrimination should be prohibited and customers should consequently be entitled, under the specific conditions laid down in this Regulation, to engage in commercial transactions under the same conditions as a local customer and have full and equal access to any of the different goods or services offered irrespective of their nationality, place of residence or place of establishment. Where necessary, traders should therefore take measures to ensure compliance with that prohibition of discrimination if otherwise the customers concerned would be precluded from having such full and equal access. However, the prohibition applicable in those situations ***does not prevent*** traders from ***making use of*** targeted offers and differing terms and conditions, ***or of commercial offerings differing from one Member State to another***, including through the setting-up of country-specific online interfaces.

Or. it

**Amendment 180**  
**Sabine Verheyen, Angelika Niebler**

**Proposal for a regulation**  
**Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17a) This Regulation may not restrict the entrepreneurial freedom and freedom of contract enshrined in Article 16 of the Charter of Fundamental Rights of the European Union. Providers' freedom of contract may not become a contractual obligation, including an obligation to deliver, vis-à-vis consumers. This also applies to the cases defined in Article 4(1)(a) to (c).***

Or. de

**Amendment 181  
Franz Obermayr**

**Proposal for a regulation  
Recital 18**

*Text proposed by the Commission*

*Amendment*

***(18) The first of those situations is where the trader sells goods and there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the customer resides. In that situation the customer should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar customers who are residents of the Member State of the trader. That may mean that a foreign customer will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods.***

***deleted***

Or. de

**Amendment 182**  
**Morten Løkkegaard**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The first of those situations is where the trader sells goods and ***there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the customer resides***. In that situation the ***customer*** should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar ***customers*** who are residents of the Member State ***of the trader***. That may mean that a foreign ***customer*** will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods.

*Amendment*

(18) The first of those situations is where the trader sells goods and ***the goods are delivered to a Member State to which the trader offers delivery in the general conditions of access or are collected at a location agreed upon between the trader and the consumer in a Member State in which the trader offers such option in his general conditions of access***. In that situation the ***consumer*** should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar ***consumer*** who are residents of the Member State ***in which the goods are delivered or in which the goods are collected***. That may mean that a foreign ***consumer*** will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. ***This does not entail that traders should change their online interfaces, set-up new pickup stations, comply with national legal requirements or accordingly inform consumers about these when a trader does not pursue or direct his or her activities towards the Member State of the consumer. In these specific situations it is the consumer who undertakes responsibility for ensuring that the goods or services meet national requirements in his or her Member State.*** In this situation, there is no need to register for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods.

Or. en

**Amendment 183**  
**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The first of those situations is where the trader sells goods and there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the *customer* resides. In that situation the *customer* should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar *customers* who are residents of the Member State of the trader. That may mean that a foreign *customer* will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the *customer*, nor arrange for the cross-border delivery of goods.

*Amendment*

(18) The first of those situations is where the trader sells goods and there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the *consumer* resides. In that situation the *consumer* should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar *consumers* who are residents of the Member State of the trader. That may mean that a foreign *consumer* will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, *the trader has no obligation to cover any additional costs of the cross-border delivery. Furthermore*, there is no need to register for value added tax ("VAT") in the Member State of the *consumer*, nor arrange for the cross-border delivery of goods.

Or. en

**Amendment 184**  
**Virginie Rozière, Liisa Jaakonsaari, Maria Grapini, Marc Tarabella, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The first of those situations is where the trader sells goods and there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the *customer* resides. In that

*Amendment*

(18) The first of those situations is where the trader sells goods and there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the *consumer* resides. In that

situation the *customer* should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar *customers* who are residents of the Member State of the trader. That may mean that a *foreign customer* will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the *customer, nor arrange for the cross-border delivery of goods.*

situation the *consumer* should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar *consumers* who are residents of the Member State of the trader. That may mean that a *consumer* will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, *in accordance with Directive 2006/112/EC*, there is no need to register for value added tax ("VAT") in the Member State of the *consumer.*

Or. en

## Amendment 185

Marco Zullo

### Proposal for a regulation

#### Recital 18

##### *Text proposed by the Commission*

(18) The first of those situations is where the trader sells goods and there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the customer resides. In that situation the customer should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar customers who are residents of the Member State *of* the trader. That may mean that a foreign customer will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods.

##### *Amendment*

(18) The first of those situations is where the trader sells goods and there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the customer resides. In that situation the customer should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar customers who are residents of the Member State *where* the trader *makes deliveries. This Regulation does not oblige the trader to make deliveries to given Member States, where this is not explicitly provided for in the terms and conditions of sale, even if the customer is resident or established in one of those Member States. In such cases the trader may give the customer the option of collecting the goods at an agreed collection point in the Member State of the trader or, in any event, a Member State to which the trader*

*has indicated that he is willing to make the delivery.* That may mean that a foreign customer will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods. ***The costs of shipping and transport from the collection point agreed in the contract, and the related risks, should be borne by the customer.***

Or. it

## **Amendment 186**

**Dita Charanzová, Kaja Kallas, Marietje Schaake**

### **Proposal for a regulation**

#### **Recital 18**

*Text proposed by the Commission*

(18) The first of those situations is where the trader sells goods and ***there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the customer resides.*** In that situation the customer should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar customers who are residents of the Member State ***of the trader.*** That may mean that a foreign customer will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods.

*Amendment*

(18) The first of those situations is where the trader sells goods and ***the goods are delivered to a Member State to which the trader offers delivery in his general conditions of access or are collected at a location agreed upon between the trader and the customer in a Member State in which the trader offers such option in his general conditions of access.*** In that situation the customer should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar customers who are residents of the Member State ***in which the goods are delivered or in which the goods are collected.*** That may mean that a foreign customer will have to pick up the good in that Member State, or in a different Member State to which the trader delivers ***or arrange, by their own private means, the cross-border delivery of the goods.*** In this situation, there is no need to register

for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods.

Or. en

## **Amendment 187**

**Biljana Borzan**

### **Proposal for a regulation**

#### **Recital 18**

##### *Text proposed by the Commission*

(18) The first of those situations is where the trader sells goods and there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the customer resides. In that situation the customer should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar customers who are residents of the Member State of the trader. That may mean that a foreign customer will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods.

##### *Amendment*

(18) The first of those situations is where the trader sells goods and there is no cross-border delivery of those goods by or on behalf of the trader to the Member State where the customer resides. In that situation the customer should be able to purchase goods, under exactly the same conditions, including price and conditions relating to the delivery of the goods, as similar customers who are residents of the Member State of the trader. That may mean that a foreign customer will have to pick up the good in that Member State, or in a different Member State to which the trader delivers. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods. ***It should be underlined that delivery services with transparent prices should be available to as many consumers as possible, especially consumers in remote areas.***

Or. en

## **Amendment 188**

**Marco Zullo**

### **Proposal for a regulation**

#### **Recital 18 a (new)**

***(18a) Pursuant to Directive 1999/44/EC a trader is obliged to repair or replace, free of charge, goods which are not in conformity with the contract. The trader has to inform the customer that the shipping and transport costs necessary in order to bring the goods into conformity include only those costs incurred by the trader in shipping or transporting the goods from the place where, as agreed in the contract, the customer first collected the goods and the costs incurred by the trader in shipping or transporting the repaired or replacement goods to that place. The shipping and transport costs incurred by the customer in taking the goods to the agreed initial collection point and the shipping and transport costs incurred by the customer in collecting the repaired and replacement goods from that place, and the related risks, should be borne by the customer.***

Or. it

## **Amendment 189**

**Dita Charanzová, Kaja Kallas, Marietje Schaake**

### **Proposal for a regulation**

#### **Recital 19**

*Text proposed by the Commission*

(19) The second situation is where the trader provides electronically supplied services, other than services the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, such as cloud services, data warehousing services, website hosting and the provision of firewalls. ***In this case***, no physical delivery is required, as the services are being supplied electronically. The trader can

*Amendment*

(19) The second situation is where the trader provides electronically supplied services, other than services the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, such as cloud services, data warehousing services, website hosting and the provision of firewalls. ***The third situation covers services the main feature of which is the provision of access to and use of copyright***



declare and pay VAT in a simplified manner in accordance with the rules on VAT Mini-One-Stop-Shop (MOSS) set out in Council Implementing Regulation (EU) No 282/2011<sup>26</sup>.

*protected works or other protected subject matter, provided that the trader has the required rights for the relevant territories (such as e-books, music, games and software). In these cases*, no physical delivery is required, as the services are being supplied electronically. The trader can declare and pay VAT in a simplified manner in accordance with the rules on VAT Mini-One-Stop-Shop (MOSS) set out in Council Implementing Regulation (EU) No 282/2011<sup>26</sup>.

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<sup>26</sup> Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

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<sup>26</sup> Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

Or. en

## **Amendment 190**

### **Anneleen Van Bossuyt**

#### **Proposal for a regulation**

##### **Recital 19**

###### *Text proposed by the Commission*

(19) The second situation is where the trader provides electronically supplied services, other than services the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, such as cloud services, data warehousing services, website hosting and the provision of firewalls. In this case, no physical delivery is required, as the services are being supplied electronically. The trader can declare and pay VAT in a simplified manner in accordance with the rules on VAT Mini-One-Stop-Shop (MOSS) set out in Council Implementing Regulation (EU) No 282/2011<sup>26</sup>.

###### *Amendment*

(19) The second situation is where the trader provides electronically supplied services, other than services the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, such as cloud services, data warehousing services, website hosting and the provision of firewalls *or the selling of copyright protected works and other protected subject matter in an intangible form such as e-books or online music*. In this case, no physical delivery is required, as the services are being supplied electronically. The trader can declare and pay VAT in a simplified manner in accordance with the rules on VAT Mini-One-Stop-Shop

(MOSS) set out in Council Implementing Regulation (EU) No 282/2011<sup>26</sup>.

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<sup>26</sup> Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

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<sup>26</sup> Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

Or. en

## **Amendment 191**

### **Julia Reda**

#### **Proposal for a regulation**

##### **Recital 19**

###### *Text proposed by the Commission*

(19) The second situation is where the trader provides electronically supplied services, other than services the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, such as cloud services, data warehousing services, website hosting and the provision of firewalls. In this case, no physical delivery is required, as the services are being supplied electronically. The trader can declare and pay VAT in a simplified manner in accordance with the rules on VAT Mini-One-Stop-Shop (MOSS) set out in Council Implementing Regulation (EU) No 282/2011<sup>26</sup>.

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<sup>26</sup> Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

###### *Amendment*

(19) The second situation is where the trader provides electronically supplied **intangible goods or** services, other than services the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, such as **social networking services**, cloud services, data warehousing services, website hosting and the provision of firewalls. In this case, no physical delivery is required, as the services are being supplied electronically. The trader can declare and pay VAT in a simplified manner in accordance with the rules on VAT Mini-One-Stop-Shop (MOSS) set out in Council Implementing Regulation (EU) No 282/2011<sup>26</sup>.

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<sup>26</sup> Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (OJ L 77, 23.3.2011, p. 1).

Or. en

**Amendment 192**  
**Olga Sehnalová, Biljana Borzan**

**Proposal for a regulation**  
**Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

***(19a) This Regulation should apply also to cases where a trader advertises a product as being the same in several Member States but at the same time deliberately reduces the quality of that product in some of these countries compared to others.***

Or. en

*Justification*

*According to the findings of various surveys, there are substantial differences in the quality, composition or ingredients used of products with the same brand and packaging which are distributed in the EU single market under the same marketing.*

**Amendment 193**  
**Virginie Rozière, Maria Grapini, Marc Tarabella, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

*Amendment*

(20) Finally, in the situation where the trader provides services and those services are received by the **customer** in the premises of or at a location chosen by the trader and different from the Member State of which the **customer** is a national or in which the **customer** has his or her place of residence **or place of establishment**, the application of different general conditions of access for reasons related to such criteria should not be justified either. Those situations concern, as the case may be, the

(20) Finally, in the situation where the trader provides services and those services are received by the **consumer** in the premises of or at a location chosen by the trader and different from the Member State of which the **consumer** is a national or in which the **consumer** has his or her place of residence, the application of different general conditions of access for reasons related to such criteria should not be justified either. Those situations concern, as the case may be, the provision of

provision of services such as hotel accommodation, sport events, car rental, and entry tickets to music festivals or leisure parks. In those situations, the trader does not have to register for VAT in another Member State *nor arrange for cross-border delivery of goods*.

services such as hotel accommodation, sport events, car rental, and entry tickets to music festivals or leisure parks. In those situations, the trader does not have to register for VAT in another Member State.

Or. en

## **Amendment 194** **Antanas Guoga**

### **Proposal for a regulation** **Recital 20**

#### *Text proposed by the Commission*

(20) Finally, in the situation where the trader provides services and those services are received by the *customer* in the premises of or at a location chosen by the trader and different from the Member State of which the *customer* is a national or in which the *customer* has his or her place of residence *or place of establishment*, the application of different general conditions of access for reasons related to such criteria should not be justified either. Those situations concern, as the case may be, the provision of services such as hotel accommodation, sport events, car rental, and entry tickets to music festivals or leisure parks. In those situations, the trader does not have to register for VAT in another Member State nor arrange for cross-border delivery of goods.

#### *Amendment*

(20) Finally, in the situation where the trader provides services and those services are received by the *consumer* in the premises of or at a location chosen by the trader and different from the Member State of which the *consumer* is a national or in which the *consumer* has his or her place of residence, the application of different general conditions of access for reasons related to such criteria should not be justified either. Those situations concern, as the case may be, the provision of services such as hotel accommodation, sport events, car rental, and entry tickets to music festivals or leisure parks. In those situations, the trader does not have to register for VAT in another Member State nor arrange for cross-border delivery of goods.

Or. en

## **Amendment 195** **Dita Charanzová, Kaja Kallas, Marietje Schaake**

### **Proposal for a regulation** **Recital 20**

*Text proposed by the Commission*

(20) Finally, in the situation where the trader provides services and those services are received by the customer in the premises of or *at* a location ***chosen by the trader and different from the Member State of which the customer is a national or in which the customer has*** his or her ***place of residence or place of establishment***, the application of different general conditions of access for reasons related to ***such criteria*** should not be justified either. Those situations concern, ***as the case may be, the provision of*** services such as hotel accommodation, sport events, car rental, and entry tickets to music festivals or leisure parks. In those situations, the trader does not have to register for VAT in another Member State nor arrange for cross-border delivery of goods.

*Amendment*

(20) Finally, in the situation where the trader provides services and those services are received by the customer in the premises of or a ***physical*** location, ***such as the premises of the trader or other specific location where the trader offer the provision of*** his or her services ***within the territory of a Member State where the trader operates***, the application of different general conditions of access for reasons related to ***the nationality or the place of residence or temporary location, or place of establishment of the customer***, should not be justified either. Those situations concern ***the provision of services, different from electronically supplied*** services, such as hotel accommodation, sport events, car rental, and entry tickets to music festivals or leisure parks. In those situations, the trader does not have to register for VAT in another Member State nor arrange for cross-border delivery of goods.

Or. en

**Amendment 196**  
**Inese Vaidere**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) Finally, in the situation where the trader provides services and those services are received by the customer in the premises of or at a location chosen by the trader and different from the Member State of which the customer is a national or in which the customer has his or her place of residence or place of establishment, the application of different general conditions of access for reasons related to such criteria should not be justified either. Those

*Amendment*

(20) Finally, in the situation where the trader provides services and those services are received by the customer in the premises of or at a location chosen by the trader and different from the Member State of which the customer is a national or in which the customer has his or her place of residence, ***in which they are temporary located*** or place of establishment, the application of different general conditions of access for reasons related to such criteria

situations concern, as the case may be, the provision of services such as hotel accommodation, sport events, car rental, and entry tickets to music festivals or leisure parks. In those situations, the trader does not have to register for VAT in another Member State nor arrange for cross-border delivery of goods.

should not be justified either. Those situations concern, as the case may be, the provision of services such as hotel accommodation, sport events, car rental, and entry tickets to music festivals or leisure parks. In those situations, the trader does not have to register for VAT in another Member State nor arrange for cross-border delivery of goods.

Or. en

## **Amendment 197**

**Julia Reda**

### **Proposal for a regulation**

#### **Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

*(20a) Finally, the last situation covers services and intangible goods the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter (such as e-books, music, games and software) in respect of which the trader has the rights to use such content for the relevant territories. In this situation, there is no need to register for value added tax ("VAT") in the Member State of the customer, nor arrange for the cross-border delivery of goods.*

Or. en

## **Amendment 198**

**Anneleen Van Bossuyt**

### **Proposal for a regulation**

#### **Recital 21**

*Text proposed by the Commission*

*Amendment*

(21) *In all those situations, by virtue of*

(21) *Furthermore, that prohibition*

*the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 and (EU) 1215/2012, where a trader does not pursue his activities in the Member State of the consumer or does not direct his activities there, or where the customer is not a consumer, compliance with this Regulation does not imply any additional costs for the trader associated with jurisdiction or differences in applicable law. Where, in contrast, a trader does pursue his activities in the consumer's Member State or does direct his activities there, the trader has manifested its intention to establish commercial relations with consumers from that Member State and thus been able to take account of any such costs.*

*should not be understood as affecting the application of any territorial or other limitation on after sale customer assistance or after-sales services offered by the trader to the customer. Nor should it be understood as entailing an obligation to cover any additional costs of postage and transport beyond the contractually agreed place of delivery where the consumer picked up the good, where pursuant to Directive 1999/44/EC of the European Parliament and of the Council<sup>1a</sup> the trader is to provide for, free of charge, repair or replacement of a defective good or where the trader is to bear the cost of returning such a good following the exercise of the consumer's right of withdrawal pursuant to Directive 2011/83/EU of the European Parliament and of the Council<sup>1b</sup>. This Regulation should therefore not be understood as providing for an obligation to deliver goods cross-border to another Member State where the trader would not otherwise offer the possibility of such delivery to its customers, nor for an obligation to accept to take back goods in another Member State, or bear additional costs in this regard, where the trader would otherwise not be under such an obligation.*

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<sup>1a</sup> Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).

<sup>1b</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

**Amendment 199**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Nicola Danti, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) In all those situations, by virtue of the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 and (EU) 1215/2012, where a trader does not pursue his activities in the Member State of the consumer or does not direct his activities there, ***or where the customer is not a consumer***, compliance with this Regulation does not imply any additional ***costs*** for the trader associated with jurisdiction or differences in applicable law. ***Where, in contrast, a trader does pursue his activities in the consumer's Member State or does direct his activities there, the trader has manifested its intention to establish commercial relations with consumers from that Member State and thus been able to take account of any such costs.***

*Amendment*

(21) In all those situations, by virtue of the provisions on the law applicable to contractual obligations and on jurisdiction set out in Regulations (EC) No 593/2008 and (EU) 1215/2012, where a trader does not pursue his activities in the Member State of the consumer or does not direct his activities there, compliance with this Regulation does not imply any additional ***obligation*** for the trader associated with jurisdiction or differences in applicable law.

**Amendment 200**

**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) In all those situations, by virtue of the provisions on the law applicable to contractual obligations and on jurisdiction

*Amendment*

(21) In all those situations, by virtue of the provisions on the law applicable to contractual obligations and on jurisdiction



set out in Regulations (EC) No 593/2008 and (EU) 1215/2012, where a trader does not pursue his activities in the Member State of the consumer or does not direct his activities there, ***or where the customer is not a consumer***, compliance with this Regulation does not imply any additional costs for the trader associated with jurisdiction or differences in applicable law. Where, in contrast, a trader does pursue his activities in the consumer's Member State or does direct his activities there, the trader has manifested its intention to establish commercial relations with consumers from that Member State and thus been able to take account of any such costs.

set out in Regulations (EC) No 593/2008 and (EU) 1215/2012, where a trader does not pursue his activities in the Member State of the consumer or does not direct his activities there, compliance with this Regulation does not imply any additional costs for the trader associated with jurisdiction or differences in applicable law. Where, in contrast, a trader does pursue his activities in the consumer's Member State or does direct his activities there, the trader has manifested its intention to establish commercial relations with consumers from that Member State and thus been able to take account of any such costs.

Or. en

**Amendment 201**  
**Morten Løkkegaard**

**Proposal for a regulation**  
**Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) The prohibition to discriminate the customer's access to goods and services in those situations does not affect the application of any territorial limitations on after-sale assistance or after-sales services offered by the trader to the customer. Nor does it entail an obligation for traders to cover any additional costs of postage and transport beyond the contractually agreed place of delivery i.e. where the consumer or a third party carrier acting on behalf of the consumer picked up the good, where pursuant to Directive 1999/44/EC of the European Parliament and of the Council<sup>1a</sup> the trader is to provide for, free of charge, repair or replacement of a defective good, or an obligation for traders to bear additional costs when consumers***

*exercises the right of withdrawal pursuant to Directive 2011/83/EU of the European Parliament and of the Council<sup>1b</sup>. Furthermore, this Regulation neither provide for an obligation to deliver goods cross-border to a Member State, where the trader does not offer delivery in his or her general conditions of access, nor for an obligation to accept to take back goods or bear additional costs in this regard outside the areas where the trader operates according to his general conditions of access.*

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*<sup>1a</sup> Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).*

*<sup>1b</sup> Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).*

Or. en

#### *Justification*

*It should be clearly stated in the Regulation how to handle the specific situations laid down in Article 4 in regard to replacements or repair of faulty goods. As it stands, article 4 (1) (a) creates legal uncertainty in this regard and it requires alignment with EU consumer regulation, such as Directive 1999/44 and Directive 2011/83. This proposal should be aligned with Directive 1999/44 and Directive 2011/83. However, it should be further clarified further. The amendment aims at making it clear that it is the consumer who bears any additional cost of postage or transport to and from the contractually agreed place of delivery when using his or her rights under Directive 1999/44/EC and Directive 2011/83/EU in the specific situations laid down in this Regulation.*

#### **Amendment 202**

**Róza Gräfin von Thun und Hohenstein, Carlos Coelho, Ildikó Gáll-Pelcz, Dariusz**

**Rosati, Antonio López-Istúriz White, Adam Szejnfeld, Ivan Štefanec, Agnieszka Kozłowska-Rajewicz**

**Proposal for a regulation  
Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) In all those situations, the general conditions of access should comply with the laws and regulations of the Member State where the trader pursues his or her activities or to which he or she directs his or her activities. A trader need not ensure that the general conditions of access comply with the laws and regulations, or use the language, of the Member State of residence of a consumer to whom the trader does not intend to sell.***

Or. en

**Amendment 203  
Othmar Karas**

**Proposal for a regulation  
Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) The use of a language in a trader's online interface cannot in itself be adduced as indicating that the trader is intent on selling to consumers from another Member State.***

Or. de

*Justification*

*While the general terms and conditions should include an indication of the trader's intended market, it should not be assumed, in cases of doubt, that the mere use of a particular language indicates intent to attract purchasers from another Member State in which that language is used.*

## Amendment 204

Virginie Rozière, Maria Grapini, Marc Tarabella, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt

### Proposal for a regulation

#### Recital 22

##### *Text proposed by the Commission*

(22) Traders falling under the special scheme provided in Chapter 1 of Title XII of Council Directive 2006/112/EC<sup>27</sup> are not required to pay VAT. For those traders, when providing electronically supplied services, the prohibition of applying different general conditions of access for reasons related to the nationality, *place of residence* or place of *establishment* of the *customer* would imply a requirement to register in order to account for VAT of other Member States and might entail additional costs, which would be a disproportionate burden, considering the size and characteristics of the traders concerned. Therefore, those traders should be exempted from that prohibition for such time as such a scheme is applicable.

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<sup>27</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1–118)

##### *Amendment*

(22) Traders falling under the special scheme provided in Chapter 1 of Title XII of Council Directive 2006/112/EC<sup>27</sup> are not required to pay VAT. For those traders, when providing electronically supplied services, the prohibition of applying different general conditions of access for reasons related to the nationality or place of *residence* of the *consumer* would imply a requirement to register in order to account for VAT of other Member States and might entail additional costs, which would be a disproportionate burden, considering the size and characteristics of the traders concerned. Therefore, those traders should be exempted from that prohibition for such time as such a scheme is applicable.

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<sup>27</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1–118)

Or. en

## Amendment 205

Antanas Guoga, Ivan Štefanec

### Proposal for a regulation

#### Recital 22

##### *Text proposed by the Commission*

(22) Traders falling under the special scheme provided in Chapter 1 of Title XII of Council Directive 2006/112/EC<sup>27</sup> are not

##### *Amendment*

(22) Traders falling under the special scheme provided in Chapter 1 of Title XII of Council Directive 2006/112/EC<sup>27</sup> are not

required to pay VAT. For those traders, when providing electronically supplied services, the prohibition of applying different general conditions of access for reasons related to the nationality, *place of residence* or place of *establishment* of the *customer* would imply a requirement to register in order to account for VAT of other Member States and might entail additional costs, which would be a disproportionate burden, considering the size and characteristics of the traders concerned. Therefore, those traders should be exempted from that prohibition for such time as such a scheme is applicable.

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<sup>27</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1–118)

required to pay VAT. For those traders, when providing electronically supplied services, the prohibition of applying different general conditions of access for reasons related to the nationality or place of *residence* of the *consumer* would imply a requirement to register in order to account for VAT of other Member States and might entail additional costs, which would be a disproportionate burden, considering the size and characteristics of the traders concerned. Therefore, those traders should be exempted from that prohibition for such time as such a scheme is applicable.

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<sup>27</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1–118)

Or. en

## **Amendment 206**

### **Inese Vaidere**

## **Proposal for a regulation**

### **Recital 22**

#### *Text proposed by the Commission*

(22) Traders falling under the special scheme provided in Chapter 1 of Title XII of Council Directive 2006/112/EC<sup>27</sup> are not required to pay VAT. For those traders, when providing electronically supplied services, the prohibition of applying different general conditions of access for reasons related to the nationality, place of residence or place of establishment of the customer would imply a requirement to register in order to account for VAT of other Member States and might entail additional costs, which would be a disproportionate burden, considering the size and characteristics of the traders

#### *Amendment*

(22) Traders falling under the special scheme provided in Chapter 1 of Title XII of Council Directive 2006/112/EC<sup>27</sup> are not required to pay VAT. For those traders, when providing electronically supplied services, the prohibition of applying different general conditions of access for reasons related to the nationality, place of residence, *place of temporary location* or place of establishment of the customer would imply a requirement to register in order to account for VAT of other Member States and might entail additional costs, which would be a disproportionate burden, considering the size and characteristics of

concerned. Therefore, those traders should be exempted from that prohibition for such time as such a scheme is applicable.

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<sup>27</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1–118)

the traders concerned. Therefore, those traders should be exempted from that prohibition for such time as such a scheme is applicable.

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<sup>27</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1–118)

Or. en

## **Amendment 207**

**Dita Charanzová, Jasenko Selimovic, Kaja Kallas**

### **Proposal for a regulation**

#### **Recital 22**

##### *Text proposed by the Commission*

(22) Traders falling under the special scheme provided in Chapter 1 of Title XII of Council Directive 2006/112/EC<sup>27</sup> are not required to pay VAT. For those traders, when providing electronically supplied services, the prohibition of applying different general conditions of access for reasons related to the nationality, place of residence or place of establishment of the customer would imply a requirement to register in order to account for VAT of other Member States and might entail additional costs, which would be a disproportionate burden, considering the size and characteristics of the traders concerned. Therefore, those traders should be exempted from that prohibition for such time as such a scheme is applicable.

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<sup>27</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1–118)

##### *Amendment*

(22) Traders falling under the special scheme provided in Chapter 1 of Title XII of Council Directive 2006/112/EC are not required to pay VAT ***in the Member State where they are established***. For those traders, when providing electronically supplied services, the prohibition of applying different general conditions of access for reasons related to the nationality, place of residence or place of establishment of the customer would imply a requirement to register in order to account for VAT of other Member States and might entail additional costs, which would be a disproportionate burden, considering the size and characteristics of the traders concerned. Therefore, those traders should be exempted from that prohibition for such time as such a scheme is applicable.

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<sup>27</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1–118)

*(text of the Council General approach)*

**Amendment 208**  
**Morten Løkkegaard**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to certain *customers* or to *customers* in certain *territories*, for reasons related to the nationality, place of residence *or place of establishment* of the *customer*, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. *Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books. Traders should not be prevented from complying with such laws in as far as necessary.*

*Amendment*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to certain *consumers* or to *consumers* in certain *Member States*, for reasons related to the nationality, place of residence of the *consumer*, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. *It is, however, the consumer that bears the responsibility of ensuring that the products or services are legal in his or her Member State.*

Or. en

*Justification*

*Traders shall not know specific rules in all Member States; if a consumer purchases a product that is legal in the Member State of the trader but not in the Member State of the consumer, then the consumer bears that risk as long as the trader does not direct his or her activities at the Member State of the consumer.*

**Amendment 209**  
**Dita Charanzová, Jasenko Selimovic, Kaja Kallas**

**Proposal for a regulation**  
**Recital 23**

*Text proposed by the Commission*

(23) In all those situations, traders may

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*Amendment*

(23) In all those situations, traders may

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in some cases be prevented from selling goods or providing services to certain customers or to customers in certain territories, for reasons related to the nationality, place of residence or place of establishment of the customer, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. ***Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books.*** Traders should not be prevented from complying with such laws in as far as necessary.

in some cases be prevented from selling goods or providing services to certain customers or to customers in certain territories, for reasons related to the nationality, place of residence or ***temporary location, or*** place of establishment of the customer, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. Traders should not be prevented from complying with such laws in as far as necessary.

Or. en

### *Justification*

*Based on the amendment of the Rapporteur, while maintaining the definition of customer within the text*

## **Amendment 210** **Julia Reda**

### **Proposal for a regulation** **Recital 23**

#### *Text proposed by the Commission*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to certain customers or to customers in certain territories, for reasons related to the nationality, place of residence or place of establishment of the customer, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books. Traders should not be prevented from complying with such laws in as far as necessary.

#### *Amendment*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to certain customers or to customers in certain territories, for reasons related to the nationality, place of residence or place of establishment of the customer, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books. ***In addition, laws of Member States may require that electronically supplied publications***



*should be able to benefit from the same preferential VAT rate treatment as publications on any means of physical support, in line with the proposal for a Council Directive amending Directive 2006/112/EC, as regards rates of value added tax applied to books, newspapers and periodicals<sup>1a</sup>. Traders should not be prevented from complying with such laws in as far as necessary.*

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*<sup>1a</sup> COM(2016)0758, Proposal for a Council Directive amending Directive 2006/112/EC, as regards rates of value added tax applied to books, newspapers and periodicals.*

Or. en

## **Amendment 211**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

### **Proposal for a regulation**

#### **Recital 23**

##### *Text proposed by the Commission*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to certain *customers* or to *customers* in certain territories, for reasons related to the nationality, *place of residence* or place of *establishment* of the *customer*, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books. Traders should not be prevented from complying with such laws in as far as necessary.

##### *Amendment*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to *a certain identified group of consumers* or to *consumers* in certain territories, for reasons related to the nationality or place of *residence* of the *consumer*, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books. Traders should not be prevented from complying with such laws in as far as necessary.

Or. en

## Amendment 212

Antanas Guoga, Ivan Štefanec

### Proposal for a regulation

#### Recital 23

##### *Text proposed by the Commission*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to certain customers or to *customers* in certain territories, for reasons related to the nationality, place of residence or *place of establishment* of the *customer*, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books. Traders should not be prevented from complying with such laws in as far as necessary.

##### *Amendment*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to certain customers or to *consumers* in certain territories, for reasons related to the nationality *or* place of residence or of the *consumer*, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance with Union law. Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books. Traders should not be prevented from complying with such laws in as far as necessary.

Or. en

## Amendment 213

Inese Vaidere

### Proposal for a regulation

#### Recital 23

##### *Text proposed by the Commission*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to certain customers or to customers in certain territories, for reasons related to the nationality, place of residence or place of establishment of the customer, as a consequence of a specific prohibition or a requirement laid down in Union law or in the laws of Member States in accordance

##### *Amendment*

(23) In all those situations, traders may in some cases be prevented from selling goods or providing services to certain customers or to customers in certain territories, for reasons related to the nationality, place of residence, *place of temporary location* or place of establishment of the customer, as a consequence of a specific prohibition or a requirement laid down in Union law or in

with Union law. Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books. Traders should not be prevented from complying with such laws in as far as necessary.

the laws of Member States in accordance with Union law. Laws of Member States may also require, in accordance with Union law, traders to respect certain rules on the pricing of books. Traders should not be prevented from complying with such laws in as far as necessary.

Or. en

## **Amendment 214** **Antanas Guoga**

### **Proposal for a regulation** **Recital 24**

#### *Text proposed by the Commission*

(24) Under Union law, traders are in principle free to decide which means of payment they wish to accept, ***including*** payment ***brands***. However, once this choice has been made, ***in view of the existing legal framework for payment services***, there are no reasons for traders to discriminate ***customers*** within the Union by refusing certain commercial transactions, or by otherwise applying certain different conditions of payment in respect of those transactions, for reasons related to the nationality, place of residence ***or place of establishment*** of the customer. In this particular context, such unjustified unequal treatment for reasons related to the location of the payment account, the place of establishment of the payment service provider or the place of issue of the payment instrument within the Union should be expressly prohibited as well. It should be further recalled that Regulation (EU) No 260/2012 already prohibits all payees, including traders, from requiring bank accounts to be located in a certain Member State for a payment in euro to be accepted.

#### *Amendment*

(24) Under Union law, traders are in principle free to decide which means of payment they wish to accept. ***In accordance with the rules of Regulation (EU) 2015/751 and Directive (EU) 2015/2366, retailers accepting a card-based payment instrument of a specific brand and category are not under an obligation to accept card-based payment instruments of the same category but of a different brand. Likewise retailers accepting a debit card of a given brand are under no obligation to accept credit card of that brand, or when accepting consumer credit cards of a given brand also to accept commercial credit card of the same brand. Equally, a trader accepting credit transfers or direct debits is under no obligation to accept the payment, if this requires entering into a new or modified contract with a payment service provider.*** However, once this choice has been made, there are no reasons for traders to discriminate ***consumers*** within the Union by refusing certain commercial transactions, or by otherwise applying certain different conditions of payment in respect of those transactions, for reasons related to the nationality ***or***

place of residence of the customer. In this particular context, such unjustified unequal treatment for reasons related to the location of the payment account, the place of establishment of the payment service provider or the place of issue of the payment instrument within the Union should be expressly prohibited as well. It should be further recalled that Regulation (EU) No 260/2012 already prohibits all payees, including traders, from requiring bank accounts to be located in a certain Member State for a payment in euro to be accepted. ***The trader should remain free to request charges for the use of a payment instrument. However, this right is subject to the restrictions introduced by Article 62(5) of Directive (EU) 2015/2366.***

Or. en

#### **Amendment 215**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Lucy Anderson, Evelyne Gebhardt**

#### **Proposal for a regulation**

#### **Recital 24**

##### *Text proposed by the Commission*

(24) Under Union law, traders are in principle free to decide which means of payment they wish to accept, ***including*** payment ***brands***. However, once this choice has been made, in view of the existing legal framework for payment services, ***there are no reasons for*** traders to discriminate ***customers*** within the Union by refusing certain commercial transactions, or by otherwise applying certain different conditions of payment in respect of those transactions, for reasons related to the nationality, ***place of residence*** or place of ***establishment*** of the ***customer***. In this particular context, such unjustified unequal treatment for reasons related to the location of the payment account, the place of establishment of the

##### *Amendment*

(24) Under Union law, traders are in principle free to decide which means of payment they wish to accept. ***In accordance with the rules laid down in Regulation (EU) 2015/751 and Directive (EU) 2015/2366, traders who accept payment instruments linked to a card of a certain brand and category are not required to accept payment instruments linked to a card of the same category but of another mark.*** However, once this choice has been made, in view of the existing legal framework for payment services, ***the*** traders ***should not*** discriminate ***consumers*** within the Union by refusing certain commercial transactions, or by otherwise applying certain different conditions of payment in

payment service provider or the place of issue of the payment instrument within the Union should be expressly prohibited as well. It should be further recalled that Regulation (EU) No 260/2012 already prohibits all payees, including traders, from requiring bank accounts to be located in a certain Member State for a payment in euro to be accepted.

respect of those transactions, for reasons related to the nationality or place of **residence** of the **consumer**. In this particular context, such unjustified unequal treatment for reasons related to the location of the payment account, the place of establishment of the payment service provider or the place of issue of the payment instrument within the Union should be expressly prohibited as well. It should be further recalled that Regulation (EU) No 260/2012 already prohibits all payees, including traders, from requiring bank accounts to be located in a certain Member State for a payment in euro to be accepted.

Or. en

## **Amendment 216**

### **Inese Vaidere**

#### **Proposal for a regulation**

##### **Recital 24**

###### *Text proposed by the Commission*

(24) Under Union law, traders are in principle free to decide which means of payment they wish to accept, including payment brands. However, once this choice has been made, in view of the existing legal framework for payment services, **there are no reasons for traders to** discriminate customers within the Union by refusing certain commercial transactions, or by otherwise applying certain different conditions of payment in respect of those transactions, for reasons related to the nationality, place of residence or place of establishment of the customer. In this particular context, such unjustified unequal treatment for reasons related to the location of the payment account, the place of establishment of the payment service provider or the place of issue of the payment instrument within the Union

###### *Amendment*

(24) Under Union law, traders are in principle free to decide which means of payment they wish to accept, including payment brands. However, once this choice has been made, in view of the existing legal framework for payment services, **traders should not** discriminate customers within the Union by refusing certain commercial transactions, or by otherwise applying certain different conditions of payment in respect of those transactions, for reasons related to the nationality, place of residence, **place of temporary location** or place of establishment of the customer. In this particular context, such unjustified unequal treatment for reasons related to the location of the payment account, the place of establishment of the payment service provider or the place of issue of the payment instrument within the Union

should be expressly prohibited as well. It should be further recalled that Regulation (EU) No 260/2012 already prohibits all payees, including traders, from requiring bank accounts to be located in a certain Member State for a payment in euro to be accepted.

should be expressly prohibited as well. It should be further recalled that Regulation (EU) No 260/2012 already prohibits all payees, including traders, from requiring bank accounts to be located in a certain Member State for a payment in euro to be accepted.

Or. en

## **Amendment 217**

**Dita Charanzová, Jasenko Selimovic, Kaja Kallas, Marietje Schaake, Morten Løkkegaard**

### **Proposal for a regulation**

#### **Recital 24**

##### *Text proposed by the Commission*

(24) Under Union law, traders are in principle free to decide which means of payment they wish to accept, including payment brands. However, once this choice has been made, in view of the existing legal framework for payment services, there are no reasons for traders to discriminate customers within the Union by refusing certain commercial transactions, or by otherwise applying certain different conditions of payment in respect of those transactions, for reasons related to the nationality, place of residence or place of establishment of the customer. In this particular context, such unjustified unequal treatment for reasons related to the location of the payment account, the place of establishment of the payment service provider or the place of issue of the payment instrument within the Union should be expressly prohibited as well. It should be further recalled that Regulation (EU) No 260/2012 already prohibits all payees, including traders, from requiring bank accounts to be located in a certain Member State for a payment in euro to be accepted.

##### *Amendment*

(24) Under Union law, traders are in principle free to decide which means of payment they wish to accept, including payment brands. However, once this choice has been made, in view of the existing legal framework for payment services, there are no reasons for traders to discriminate customers within the Union by refusing certain commercial transactions, or by otherwise applying certain different conditions of payment in respect of those transactions, for reasons related to the nationality, place of residence or **temporary location, or** place of establishment of the customer. In this particular context, such unjustified unequal treatment for reasons related to the location of the payment account, the place of establishment of the payment service provider or the place of issue of the payment instrument within the Union should be expressly prohibited as well. It should be further recalled that Regulation (EU) No 260/2012 already prohibits all payees, including traders, from requiring bank accounts to be located in a certain Member State for a payment in euro to be

accepted.

Or. en

*Justification*

*Based on the amendment of the Rapporteur, while maintaining the definition of customer within the text*

**Amendment 218**

**Anna Maria Corazza Bildt, Adam Szejnfeld**

**Proposal for a regulation**

**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24a) If a trader accepts a means of payment within credit transfers or direct debit, the trader is prohibited from discriminating against customers for reasons related to the nationality, place of residence or place of establishment of the customer within the Union by refusing certain commercial transactions within the same means of payment accepted. A trader accepting credit transfers or direct debits is under no obligation to accept the payment if this requires entering into a new or modified contract with a payment service provider.***

Or. en

*Justification*

*To avoid disproportionate burden for SMEs, it should be clarified that traders are not obliged to offer all types of payment categories that they offer on their domestic market to customers on other markets if this requires the traders to devote financial or administrative resources into procuring functional payment options on the market of the customer.*

**Amendment 219**

**Dita Charanzová, Kaja Kallas, Morten Løkkegaard**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) Directive 2015/2366/EU of the European Parliament and of the Council<sup>28</sup> introduced strict security requirements for the initiation and processing of electronic payments, which reduced the risk of fraud for all new and more traditional means of payment, especially online payments. Payment service providers are obliged to apply so-called strong customer authentication, an authentication process that validates the identity of the user of a payment service or of the payment transaction. For remote transactions, such as online payments, the security requirements go even further, requiring a dynamic link to the amount of the transaction and the account of the payee, to further protect the user by minimising the risks in case of mistakes or fraudulent attacks. As a result of these provisions, the risk of payment fraud in national and cross-border purchases is brought to an equal level and should not be used as an argument to refuse or discriminate any commercial transactions within the Union.

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<sup>28</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and

*Amendment*

(25) Directive 2015/2366/EU of the European Parliament and of the Council<sup>28</sup> introduced strict security requirements for the initiation and processing of electronic payments, which reduced the risk of fraud for all new and more traditional means of payment, especially online payments. Payment service providers are obliged to apply so-called strong customer authentication, an authentication process that validates the identity of the user of a payment service or of the payment transaction. For remote transactions, such as online payments, the security requirements go even further, requiring a dynamic link to the amount of the transaction and the account of the payee, to further protect the user by minimising the risks in case of mistakes or fraudulent attacks. As a result of these provisions, the risk of payment fraud in national and cross-border purchases is brought to an equal level and should not be used as an argument to refuse or discriminate any commercial transactions within the Union. ***However, in situations where there are no other means available to the trader to reduce the risk of default by the customer, including in particular difficulties related to assessing the creditworthiness of the customer, traders should be allowed to withhold the goods or the service until they receive a confirmation that the payment transaction was properly initiated. Different treatment, however, should be based only on objective and well justified reasons.***

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<sup>28</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and



2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).

2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).

Or. en

*(text of the Council General approach)*

#### **Amendment 220**

**Róza Gräfin von Thun und Hohenstein, Eva Maydell, Carlos Coelho, Ildikó Gáll-Pelcz, Dariusz Rosati, Antonio López-Istúriz White, Adam Szejnfeld, Ivan Štefanec, Agnieszka Kozłowska-Rajewicz**

#### **Proposal for a regulation**

##### **Recital 25**

*Text proposed by the Commission*

(25) Directive 2015/2366/EU of the European Parliament and of the Council<sup>28</sup> introduced strict security requirements for the initiation and processing of electronic payments, which reduced the risk of fraud for all new and more traditional means of payment, especially online payments. Payment service providers are obliged to apply so-called strong customer authentication, an authentication process that validates the identity of the user of a payment service or of the payment transaction. For remote transactions, such as online payments, the security requirements go even further, requiring a dynamic link to the amount of the transaction and the account of the payee, to further protect the user by minimising the risks in case of mistakes or fraudulent attacks. As a result of *these* provisions, the risk of payment fraud in *national and cross-border purchases is brought to an equal level and should not be used as an argument to refuse or discriminate any commercial transactions within the Union.*

*Amendment*

(25) Directive 2015/2366/EU of the European Parliament and of the Council<sup>28</sup> introduced strict security requirements for the initiation and processing of electronic payments, which reduced the risk of fraud for all new and more traditional means of payment, especially online payments. Payment service providers are obliged to apply so-called strong customer authentication, an authentication process that validates the identity of the user of a payment service or of the payment transaction. For remote transactions, such as online payments, the security requirements go even further, requiring a dynamic link to the amount of the transaction and the account of the payee, to further protect the user by minimising the risks in case of mistakes or fraudulent attacks. As a result of *those* provisions, the risk of payment fraud in *cross-border purchases has been significantly reduced. However, in case of direct debits where the trader might not be able to assess a consumer's creditworthiness properly, or it would require entering into a new or modified contract with the payment solution providers, the trader should be allowed to request an advance payment*

*via SEPA credit transfer before dispatching the goods or providing the service. Different treatment is therefore justifiable in situations where there are no other means available to the trader to verify the creditworthiness of the consumer.*

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<sup>28</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).

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<sup>28</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).

Or. en

## **Amendment 221** **Andreas Schwab**

### **Proposal for a regulation** **Recital 25**

#### *Text proposed by the Commission*

(25) Directive 2015/2366/EU of the European Parliament and of the Council<sup>28</sup> introduced strict security requirements for the initiation and processing of electronic payments, which reduced the risk of fraud for all new and more traditional means of payment, especially online payments. Payment service providers are obliged to apply so-called strong customer authentication, an authentication process that validates the identity of the user of a payment service or of the payment transaction. For remote transactions, such as online payments, the security requirements go even further, requiring a dynamic link to the amount of the transaction and the account of the payee, to further protect the user by minimising the

#### *Amendment*

(25) Directive 2015/2366/EU of the European Parliament and of the Council<sup>28</sup> introduced strict security requirements for the initiation and processing of electronic payments, which reduced the risk of fraud for all new and more traditional means of payment, especially online payments. Payment service providers are obliged to apply so-called strong customer authentication, an authentication process that validates the identity of the user of a payment service or of the payment transaction. For remote transactions, such as online payments, the security requirements go even further, requiring a dynamic link to the amount of the transaction and the account of the payee, to further protect the user by minimising the

risks in case of mistakes or fraudulent attacks. *As a result of these provisions, the risk of payment fraud in national and cross-border purchases is brought to an equal level and should not be used as an argument to refuse or discriminate any commercial transactions within the Union.*

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<sup>28</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).

risks in case of mistakes or fraudulent attacks. *To minimise the risk of payment fraud or of consumers' not being credit worthy, it should be possible to request payment in advance before the dispatch of the goods or provision of the service. There may be justification for unequal treatment in cases where the trader has no other way of ensuring that the purchaser will meet his or her payment obligation.*

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<sup>28</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).

Or. de

**Amendment 222**  
**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) Directive 2015/2366/EU of the European Parliament and of the Council<sup>28</sup> introduced strict security requirements for the initiation and processing of electronic payments, which reduced the risk of fraud for all new and more traditional means of payment, especially online payments. Payment service providers are obliged to apply so-called strong *customer* authentication, an authentication process that validates the identity of the user of a payment service or of the payment transaction. For remote transactions, such as online payments, the security requirements go even further, requiring a

*Amendment*

(25) Directive 2015/2366/EU of the European Parliament and of the Council<sup>28</sup> introduced strict security requirements for the initiation and processing of electronic payments, which reduced the risk of fraud for all new and more traditional means of payment, especially online payments. Payment service providers are obliged to apply so-called strong *consumer* authentication, an authentication process that validates the identity of the user of a payment service or of the payment transaction. For remote transactions, such as online payments, the security requirements go even further, requiring a

dynamic link to the amount of the transaction and the account of the payee, to further protect the user by minimising the risks in case of mistakes or fraudulent attacks. As a result of these provisions, the risk of payment fraud in national and cross-border purchases is brought to an equal level and should not be used as an argument to refuse or discriminate any commercial transactions within the Union.

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<sup>28</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).

dynamic link to the amount of the transaction and the account of the payee, to further protect the user by minimising the risks in case of mistakes or fraudulent attacks. As a result of these provisions, the risk of payment fraud in national and cross-border purchases is brought to an equal level and should not be used as an argument to refuse or discriminate any commercial transactions within the Union.

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<sup>28</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35–127).

Or. en

### Amendment 223

Virginie Rozière, Maria Grapini, Marc Tarabella, Marlene Mizzi, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt

### Proposal for a regulation

#### Recital 26

#### *Text proposed by the Commission*

(26) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 TFEU. Agreements imposing on traders obligations not to engage in passive sales within the meaning of Commission Regulation (EU) No 330/2010<sup>29</sup> to certain *customers* or to *customers* in certain territories are generally considered restrictive of competition and cannot normally be exempted from the prohibition laid down in Article 101(1) TFEU. ***Even when they are not caught by Article 101 TFEU, in the context of the application of***

#### *Amendment*

(26) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 TFEU. Agreements imposing on traders obligations not to engage in passive sales within the meaning of Commission Regulation (EU) No 330/2010<sup>29</sup> to certain ***specific group of consumers*** or to ***consumers*** in certain territories are generally considered restrictive of competition and cannot normally be exempted from the prohibition laid down in Article 101(1) TFEU. ***However, in certain exceptional cases, these***

*this Regulation, they disrupt the proper functioning of the internal market and they may be used to circumvent the provisions of this Regulation. The relevant provisions of such agreements and of other agreements in respect of passive sales requiring the trader to act in violation of this Regulation should therefore be automatically void. However, this Regulation, and in particular its provisions on access to goods or services, should not affect agreements restricting active sales within the meaning of Regulation (EU) No 330/2010.*

*agreements may be considered to comply with Article 101 TFEU. This applies in particular to agreements restricting passive sales because of economic justifications, for example in order to allow innovations in the field of new products. In these duly justified cases, the trader should not be deemed to act in breach of this Regulation when they abstain from making passive sales. The application of this Regulation should not affect those agreements. This Regulation, and in particular its provisions on access to goods or services, should not affect agreements restricting active sales within the meaning of Regulation (EU) No 330/2010.*

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<sup>29</sup> Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

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<sup>29</sup> Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

Or. en

## **Amendment 224** **Antanas Guoga, Ivan Štefanec**

### **Proposal for a regulation** **Recital 26**

#### *Text proposed by the Commission*

(26) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 TFEU. Agreements imposing on traders obligations not to engage in passive sales within the meaning of Commission Regulation (EU) No 330/2010<sup>29</sup> to certain *customers* or to *customers* in certain territories are generally considered restrictive of competition and cannot

#### *Amendment*

(26) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 TFEU. Agreements imposing on traders obligations not to engage in passive sales within the meaning of Commission Regulation (EU) No 330/2010<sup>29</sup> to certain *consumers* or to *consumers* in certain territories are generally considered restrictive of competition and cannot

normally be exempted from the prohibition laid down in Article 101(1) TFEU. Even when they are not caught by Article 101 TFEU, in the context of the application of this Regulation, they disrupt the proper functioning of the internal market and they may be used to circumvent the provisions of this Regulation. The relevant provisions of such agreements and of other agreements in respect of passive sales requiring the trader to act in violation of this Regulation should therefore be automatically void. However, this Regulation, and in particular its provisions on access to goods or services, should not affect agreements restricting active sales within the meaning of Regulation (EU) No 330/2010.

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<sup>29</sup> Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

normally be exempted from the prohibition laid down in Article 101(1) TFEU. Even when they are not caught by Article 101 TFEU, in the context of the application of this Regulation, they disrupt the proper functioning of the internal market and they may be used to circumvent the provisions of this Regulation. The relevant provisions of such agreements and of other agreements in respect of passive sales requiring the trader to act in violation of this Regulation should therefore be automatically void. However, this Regulation, and in particular its provisions on access to goods or services, should not affect agreements restricting active sales within the meaning of Regulation (EU) No 330/2010.

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<sup>29</sup> Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

Or. en

## **Amendment 225** **Dita Charanzová**

### **Proposal for a regulation** **Recital 26**

#### *Text proposed by the Commission*

(26) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 TFEU. Agreements imposing on traders obligations not to engage in passive sales within the meaning of Commission Regulation (EU) No 330/2010<sup>29</sup> to certain customers or to customers in certain territories are generally considered

#### *Amendment*

(26) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 TFEU. Agreements imposing on traders obligations not to engage in passive sales within the meaning of Commission Regulation (EU) No 330/2010<sup>29</sup> to certain customers or to customers in certain territories are generally considered

restrictive of competition and cannot normally be exempted from the prohibition laid down in Article 101(1) TFEU. Even when they are not caught by Article 101 TFEU, in the context of the application of this Regulation, they disrupt the proper functioning of the internal market and they may be used to circumvent the provisions of this Regulation. The relevant provisions of such agreements and of other agreements in respect of passive sales requiring the trader to act in violation of this Regulation should therefore be automatically void. However, this Regulation, and in particular its provisions on access to goods or services, should not affect agreements restricting active sales within the meaning of Regulation (EU) No 330/2010.

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<sup>29</sup> Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

restrictive of competition and cannot normally be exempted from the prohibition laid down in Article 101(1) TFEU. Even when they are not caught by Article 101 TFEU, in the context of the application of this Regulation, they disrupt the proper functioning of the internal market and they may be used to circumvent the provisions of this Regulation. The relevant provisions of such agreements and of other agreements in respect of passive sales requiring the trader to act in violation of this Regulation should therefore be automatically ***null and*** void. However, this Regulation, and in particular its provisions on access to goods or services, should not affect agreements restricting active sales within the meaning of Regulation (EU) No 330/2010.

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<sup>29</sup> Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (OJ L 102, 23.4.2010, p. 1).

Or. en

### *Justification*

*Based on the amendment of the Rapporteur, while maintaining the definition of customer within the text*

## **Amendment 226** **Marco Zullo**

### **Proposal for a regulation** **Recital 27**

#### *Text proposed by the Commission*

(27) Member States should designate one or more bodies responsible for taking effective action to monitor and to secure

#### *Amendment*

(27) Member States should designate one or more bodies responsible for taking effective action to monitor and to secure

compliance with the provision of this Regulation. Member States should also ensure that *effective, proportionate and dissuasive penalties can be imposed on traders* in the event of any *breach of this Regulation*.

compliance with the provision of this Regulation. Member States should also ensure that *traders comply with the provisions of this Regulation and*, in the event of any *breaches, that effective, proportionate and dissuasive penalties are imposed on traders*.

Or. it

## **Amendment 227** **Antanas Guoga**

### **Proposal for a regulation** **Recital 27**

#### *Text proposed by the Commission*

(27) Member States should designate one or more bodies *responsible for taking* effective action to monitor and to *secure* compliance with the provision of this Regulation. Member States should also ensure that effective, proportionate and dissuasive penalties can be imposed on traders in the event of any breach of this Regulation.

#### *Amendment*

(27) Member States should designate one or more *responsible* bodies *with necessary powers to take* effective action to monitor and to *ensure* compliance with the provision of this Regulation. Member States should also ensure that effective, proportionate and dissuasive penalties can be imposed on traders in the event of any breach of this Regulation.

Or. en

## **Amendment 228** **Antanas Guoga**

### **Proposal for a regulation** **Recital 28**

#### *Text proposed by the Commission*

(28) Consumers should be in the position to receive assistance from responsible *authorities* facilitating the resolution of conflicts with traders, arising from the application of this Regulation, including by way of a uniform complaint form.

#### *Amendment*

(28) Consumers should be in the position to receive assistance from responsible *bodies* facilitating the resolution of conflicts with traders, arising from the application of this Regulation, including by way of a uniform complaint form.



**Amendment 229**

Sabine Verheyen, Angelika Niebler

**Proposal for a regulation****Recital 29***Text proposed by the Commission*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. ***The first evaluation should concentrate, in particular, on the possible extension of the prohibition of Article 4(1)(b) to electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, provided that the trader has the requisite rights for the relevant territories.***

*Amendment*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary.

Or. de

*Justification*

*Access to copyright protected works or other protected subject matter and the use of such works or subject matter should continue to fall outside the scope of this regulation. This will rule out overlap with other items of EU legislation.*

**Amendment 230**

Dita Charanzová

**Proposal for a regulation****Recital 29***Text proposed by the Commission*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in particular, on the possible extension of the ***prohibition of Article 4(1)(b) to electronically supplied services, the main feature of which is the provision of access***

*Amendment*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in particular, on the possible extension of the ***scope of this Regulation to other sectors such as financial or electronic communication services, or healthcare***

*to and use of copyright protected works or other protected subject matter, provided that the trader has the requisite rights for the relevant territories.*

*services. Therefore, those providers should cooperate in the evaluation in order to assess whether the inclusion of those services within the scope of this Regulation would lead to the evolution of business models which are more efficient than those currently used.*

Or. en

**Amendment 231**  
**Antanas Guoga**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in particular, on the possible extension of the *prohibition of Article 4(1)(b) to electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, provided that the trader has the requisite rights for the relevant territories.*

*Amendment*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in particular, on the possible extension of the *scope of this Regulation to other sectors such as audio-visual services, financial or electronic communication services, transport services or healthcare services.*

Or. en

**Amendment 232**  
**Julia Reda**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in

*Amendment*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in

particular, on the *possible extension* of the prohibition of Article 4(1)(b) to electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, *provided that* the trader has the *requisite rights* for the relevant territories.

particular, on the *application* of the prohibition of Article 4(1)(b) to electronically supplied services *and intangible goods*, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter *in respect of which* the trader has the *rights to use such content* for the relevant territories, *with a view to its possible extension to other cases, as well as the development of consumer prices and purchasing power in the single market due to this Regulation.*

Or. en

## Amendment 233

Marco Zullo

### Proposal for a regulation

#### Recital 29

##### *Text proposed by the Commission*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in particular, on the possible extension of the prohibition of Article 4(1)(b) to electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, provided that the trader has the requisite rights for the relevant territories.

##### *Amendment*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in particular, on the possible extension of the prohibition of Article 4(1)(b) to electronically supplied services, the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, provided that the trader has the requisite rights for the relevant territories. ***The second evaluation should determine whether, in the new more open single market context, which is serving to eliminate geo-blocking and other forms of discrimination based on customers' nationality, place of residence, or place of establishment, Regulation (EC) No 593/2008 on the law applicable and Regulation (EU) No 1215/2012 on jurisdiction are still appropriate to afford full protection to customers and traders, in particular***

*SMEs and micro-enterprises, or whether those two Regulations are skewed and overly burdensome for either one of the two parties. In the latter case the above Regulations should be updated in order to allow for the new regulatory and market context.*

Or. it

**Amendment 234**  
**Anneleen Van Bossuyt**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in particular, on the possible extension of the prohibition of Article 4(1)(b) to electronically supplied services, the main feature of which is the provision of access to **and** use of copyright protected works or other protected subject matter, provided that the trader has the requisite rights for the relevant territories.

*Amendment*

(29) This Regulation should be regularly evaluated, with a view to proposing amendments where necessary. The first evaluation should concentrate, in particular, on the possible extension of the prohibition of Article 4(1)(b) to electronically supplied services, the main feature of which is the provision of access to **or** use of copyright protected works or other protected subject matter, **or the selling of copyright protected works and other protected subject matter in an intangible form such as e-books and online music**, provided that the trader has the requisite rights for the relevant territories. **The evaluation should ensure consistency with the scope of Directive 2006/123/EC and take due account of the specificities of copyright-protected cultural goods and services.**

Or. en

**Amendment 235**  
**Vicky Ford**

**Proposal for a regulation**  
**Recital 29 a (new)**

**(29a) In most cases copyright protected works are excluded from the scope but are nevertheless covered under the proposal for a regulation on cross-border portability of online content services in the internal market<sup>1a</sup>.**

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**<sup>1a</sup> Proposal for a regulation on cross-border portability of online content services in the internal market, COM(2015)627.**

Or. en

### **Amendment 236**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Nicola Danti, Anna Hedh, Lucy Anderson, Christel Schaldemose, Evelyne Gebhardt**

### **Proposal for a regulation**

#### **Recital 30**

*Text proposed by the Commission*

*Amendment*

(30) With a view to facilitating the effective enforcement of the rules laid down in this Regulation, the mechanisms to ensure cross-border cooperation among competent authorities provided for in Regulation (EC) No 2006/2004 of the European Parliament and of the Council<sup>30</sup> should also be available in relation to those rules. ***However, as Regulation (EC) No 2006/2004 only applies with respect to laws that protect consumers' interests, those measures should be available only when the customer is a consumer. Regulation (EC) No 2006/2004 should therefore be amended accordingly.***

(30) With a view to facilitating the effective enforcement of the rules laid down in this Regulation, the mechanisms to ensure cross-border cooperation among competent authorities provided for in Regulation (EC) No 2006/2004 of the European Parliament and of the Council<sup>30</sup> should also be available in relation to those rules.

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<sup>30</sup> Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between

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<sup>30</sup> Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between

national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (OJ L 364, 9.12.2004, p. 1).

national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (OJ L 364, 9.12.2004, p. 1).

Or. en

**Amendment 237**  
**Olga Sehnalová**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) With a view to facilitating the effective enforcement of the rules laid down in this Regulation, the mechanisms to ensure cross-border cooperation among competent authorities provided for in Regulation (EC) No 2006/2004 of the European Parliament and of the Council<sup>30</sup> should also be available in relation to those rules. ***However, as Regulation (EC) No 2006/2004 only applies with respect to laws that protect consumers' interests, those measures should be available only when the customer is a consumer.*** Regulation (EC) No 2006/2004 should therefore be amended accordingly.

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<sup>30</sup> Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (OJ L 364, 9.12.2004, p. 1).

*Amendment*

(30) With a view to facilitating the effective enforcement of the rules laid down in this Regulation, the mechanisms to ensure cross-border cooperation among competent authorities provided for in Regulation (EC) No 2006/2004 of the European Parliament and of the Council<sup>30</sup> should also be available in relation to those rules. Regulation (EC) No 2006/2004 should therefore be amended accordingly.

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<sup>30</sup> Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (OJ L 364, 9.12.2004, p. 1).

Or. en

**Amendment 238**  
**Antanas Guoga**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) With a view to facilitating the effective enforcement of the rules laid down in this Regulation, the mechanisms to ensure cross-border cooperation among competent authorities provided for in Regulation (EC) No 2006/2004 of the European Parliament and of the Council<sup>30</sup> should also be available in relation to those rules. ***However, as Regulation (EC) No 2006/2004 only applies with respect to laws that protect consumers' interests, those measures should be available only when the customer is a consumer. Regulation (EC) No 2006/2004 should therefore be amended accordingly.***

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<sup>30</sup> Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (OJ L 364, 9.12.2004, p. 1).

*Amendment*

(30) With a view to facilitating the effective enforcement of the rules laid down in this Regulation, the mechanisms to ensure cross-border cooperation among competent authorities provided for in Regulation (EC) No 2006/2004 of the European Parliament and of the Council<sup>30</sup> should also be available in relation to those rules.

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<sup>30</sup> Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (OJ L 364, 9.12.2004, p. 1).

Or. en

**Amendment 239**  
**Antanas Guoga**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) ***Traders, public authorities and other interested parties should have sufficient time to adapt to, and ensure compliance with, the provisions of this Regulation. In light of the particular characteristics of electronically supplied services, other than services the main***

*Amendment*

***deleted***

*feature of which is the provision of access to and use of copyright protected works or other protected subject matter, it is appropriate to apply the prohibition of Article 4(1)(b) only from a later date with respect to the provision of those services.*

Or. en

#### **Amendment 240**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Nicola Danti, Anna Hedh, Lucy Anderson, Christel Schaldemose**

#### **Proposal for a regulation**

##### **Recital 32**

*Text proposed by the Commission*

(32) Traders, public authorities and other interested parties should have sufficient time to adapt to, and ensure compliance with, the provisions of this Regulation. *In light of the particular characteristics of electronically supplied services, other than services the main feature of which is the provision of access to and use of copyright protected works or other protected subject matter, it is appropriate to apply the prohibition of Article 4(1)(b) only from a later date with respect to the provision of those services.*

*Amendment*

(32) Traders, public authorities and other interested parties should have sufficient time to adapt to, and ensure compliance with, the provisions of this Regulation.

Or. en

#### **Amendment 241**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

#### **Proposal for a regulation**

##### **Recital 33**

*Text proposed by the Commission*

(33) In order to achieve the objective of effectively addressing direct and indirect

*Amendment*

(33) In order to achieve the objective of effectively addressing direct and indirect



discrimination based on the nationality, **place of residence** or place of **establishment of customers**, it is appropriate to adopt a Regulation, which directly applies in all Member States. This is necessary in order to guarantee the uniform application of the non-discrimination rules across the Union and their entering into force at the same time. Only a Regulation ensures the degree of clarity, uniformity and legal certainty which is necessary in order to enable **customers** to fully benefit from those rules.

**unjustified** discrimination based on the nationality or place of **residence of consumers**, it is appropriate to adopt a Regulation, which directly applies in all Member States. This is necessary in order to guarantee the uniform application of the non-discrimination rules across the Union and their entering into force at the same time. Only a Regulation ensures the degree of clarity, uniformity and legal certainty which is necessary in order to enable **consumers** to fully benefit from those rules.

Or. en

## **Amendment 242**

**Antanas Guoga, Ivan Štefanec**

### **Proposal for a regulation**

#### **Recital 33**

*Text proposed by the Commission*

(33) In order to achieve the objective of effectively addressing direct and indirect discrimination based on the nationality, **place of residence** or place of **establishment of customers**, it is appropriate to adopt a Regulation, which directly applies in all Member States. This is necessary in order to guarantee the uniform application of the non-discrimination rules across the Union and their entering into force at the same time. Only a Regulation ensures the degree of clarity, uniformity and legal certainty which is necessary in order to enable **customers** to fully benefit from those rules.

*Amendment*

(33) In order to achieve the objective of effectively addressing direct and indirect discrimination based on the nationality or place of **residence of consumers**, it is appropriate to adopt a Regulation, which directly applies in all Member States. This is necessary in order to guarantee the uniform application of the non-discrimination rules across the Union and their entering into force at the same time. Only a Regulation ensures the degree of clarity, uniformity and legal certainty which is necessary in order to enable **consumers** to fully benefit from those rules.

Or. en

## **Amendment 243**

**Inese Vaidere**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) In order to achieve the objective of effectively addressing direct and indirect discrimination based on the nationality, place of residence or place of establishment of customers, it is appropriate to adopt a Regulation, which directly applies in all Member States. This is necessary in order to guarantee the uniform application of the non-discrimination rules across the Union and their entering into force at the same time. Only a Regulation ensures the degree of clarity, uniformity and legal certainty which is necessary in order to enable customers to fully benefit from those rules.

*Amendment*

(33) In order to achieve the objective of effectively addressing direct and indirect discrimination based on the nationality, place of residence, ***place of temporary location*** or place of establishment of customers, it is appropriate to adopt a Regulation, which directly applies in all Member States. This is necessary in order to guarantee the uniform application of the non-discrimination rules across the Union and their entering into force at the same time. Only a Regulation ensures the degree of clarity, uniformity and legal certainty which is necessary in order to enable customers to fully benefit from those rules.

Or. en

**Amendment 244**

**Dita Charanzová, Jasenko Selimovic, Kaja Kallas, Marietje Schaake, Morten Løkkegaard**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) In order to achieve the objective of effectively addressing direct and indirect discrimination based on the nationality, place of residence or place of establishment of customers, it is appropriate to adopt a Regulation, which directly applies in all Member States. This is necessary in order to guarantee the uniform application of the non-discrimination rules across the Union and their entering into force at the same time. Only a Regulation ensures the degree of clarity, uniformity and legal certainty which is necessary in order to enable customers to fully benefit from those rules.

*Amendment*

(33) In order to achieve the objective of effectively addressing direct and indirect discrimination based on the nationality, place of residence or ***temporary location***, ***or*** place of establishment of customers, it is appropriate to adopt a Regulation, which directly applies in all Member States. This is necessary in order to guarantee the uniform application of the non-discrimination rules across the Union and their entering into force at the same time. Only a Regulation ensures the degree of clarity, uniformity and legal certainty which is necessary in order to enable customers to fully benefit from those rules.

**Amendment 245**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Anna Hedh, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation****Recital 34***Text proposed by the Commission*

(34) Since the objective of this Regulation, namely the prevention of direct and indirect discrimination based on nationality, *place of residence* or place of *establishment of customers*, including geo-blocking, in commercial transactions with traders within the Union, cannot be sufficiently achieved by Member States, due to the cross-border nature of the problem and the insufficient clarity of the existing legal framework, but can rather, by reason of its scale and potential effect on trade in the internal market be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

*Amendment*

(34) Since the objective of this Regulation, namely the prevention of direct and indirect *unjustified* discrimination based on nationality or place of *residence of consumers*, including *unjustified* geo-blocking, in commercial transactions with traders within the Union, cannot be sufficiently achieved by Member States, due to the cross-border nature of the problem and the insufficient clarity of the existing legal framework, but can rather, by reason of its scale and potential effect on trade in the internal market be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Or. en

**Amendment 246**

**Antanas Guoga, Ivan Štefanec**

**Proposal for a regulation****Recital 34***Text proposed by the Commission*

(34) Since the objective of this

*Amendment*

(34) Since the objective of this

Regulation, namely the prevention of direct and indirect discrimination based on nationality, *place of residence* or place of *establishment of customers*, including geo-blocking, in commercial transactions with traders within the Union, cannot be sufficiently achieved by Member States, due to the cross-border nature of the problem and the insufficient clarity of the existing legal framework, but can rather, by reason of its scale and potential effect on trade in the internal market be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Regulation, namely the prevention of direct and indirect discrimination based on nationality or place of *residence of consumers*, including geo-blocking, in commercial transactions with traders within the Union, cannot be sufficiently achieved by Member States, due to the cross-border nature of the problem and the insufficient clarity of the existing legal framework, but can rather, by reason of its scale and potential effect on trade in the internal market be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Or. en

## **Amendment 247**

### **Inese Vaidere**

#### **Proposal for a regulation**

##### **Recital 34**

###### *Text proposed by the Commission*

(34) Since the objective of this Regulation, namely the prevention of direct and indirect discrimination based on nationality, place of residence or place of establishment of customers, including geo-blocking, in commercial transactions with traders within the Union, cannot be sufficiently achieved by Member States, due to the cross-border nature of the problem and the insufficient clarity of the existing legal framework, but can rather, by reason of its scale and potential effect on trade in the internal market be better achieved at Union level, the Union may adopt measures in accordance with the

###### *Amendment*

(34) Since the objective of this Regulation, namely the prevention of direct and indirect discrimination based on nationality, place of residence, *place of temporary location* or place of establishment of customers, including geo-blocking, in commercial transactions with traders within the Union, cannot be sufficiently achieved by Member States, due to the cross-border nature of the problem and the insufficient clarity of the existing legal framework, but can rather, by reason of its scale and potential effect on trade in the internal market be better achieved at Union level, the Union may

principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Or. en

#### **Amendment 248**

**Dita Charanzová, Jasenko Selimovic, Kaja Kallas, Marietje Schaake, Morten Løkkegaard**

#### **Proposal for a regulation**

#### **Recital 34**

##### *Text proposed by the Commission*

(34) Since the objective of this Regulation, namely the prevention of direct and indirect discrimination based on nationality, place of residence or place of establishment of customers, including geo-blocking, in commercial transactions with traders within the Union, cannot be sufficiently achieved by Member States, due to the cross-border nature of the problem and the insufficient clarity of the existing legal framework, but can rather, by reason of its scale and potential effect on trade in the internal market be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

##### *Amendment*

(34) Since the objective of this Regulation, namely the prevention of direct and indirect discrimination based on nationality, place of residence or **temporary location, or** place of establishment of customers, including geo-blocking, in commercial transactions with traders within the Union, cannot be sufficiently achieved by Member States, due to the cross-border nature of the problem and the insufficient clarity of the existing legal framework, but can rather, by reason of its scale and potential effect on trade in the internal market be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Or. en

## **Amendment 249**

**Virginie Rozière, Maria Grapini, Marc Tarabella, Nicola Danti, Anna Hedh, Christel Schaldemose, Sergio Gutiérrez Prieto**

### **Proposal for a regulation**

#### **Recital 35**

*Text proposed by the Commission*

(35) This Regulation respects fundamental rights and observes the principle recognised in the Charter of Fundamental Rights of the European Union. In particular this Regulation seeks to ensure full respect of Articles 16 *and 17* thereof,

*Amendment*

(35) This Regulation respects fundamental rights and observes the principle recognised in the Charter of Fundamental Rights of the European Union. In particular this Regulation seeks to ensure full respect of Articles 16, *17, 21 and 38* thereof,

Or. en

## **Amendment 250**

**Julia Reda**

### **Proposal for a regulation**

#### **Recital 35**

*Text proposed by the Commission*

(35) This Regulation respects fundamental rights and observes the principle recognised in the Charter of Fundamental Rights of the European Union. In particular this Regulation seeks to ensure full respect of Articles 16 and 17 thereof,

*Amendment*

(35) This Regulation respects fundamental rights and observes the principle recognised in the Charter of Fundamental Rights of the European Union. In particular this Regulation seeks to ensure full respect of Articles *11*, 16 and 17 thereof,

Or. en

## **Amendment 251**

**Olga Sehnalová, Biljana Borzan**

### **Proposal for a regulation**

#### **Recital 35**

*Text proposed by the Commission*

(35) This Regulation respects fundamental rights and observes the principle recognised in the Charter of Fundamental Rights of the European Union. In particular this Regulation seeks to ensure full respect of Articles 16 **and 17** thereof,

*Amendment*

(35) This Regulation respects fundamental rights and observes the principle recognised in the Charter of Fundamental Rights of the European Union. In particular this Regulation seeks to ensure full respect of Articles 16, **17 and 38** thereof,

Or. en