



2016/0148(COD)

30.11.2016

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on cooperation between national authorities responsible for the enforcement of
consumer protection laws
(COM(2016)0283 – C8-0194/2016 – 2016/0148(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Olga Sehnalová

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	99
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT	102

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws

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

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0283),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0194/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Bulgarian Parliament, the Czech Chamber of Deputies, the Austrian Federal Council and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 19 October 2016¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Legal Affairs (A8-0000/2016),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation Recital 1

Text proposed by the Commission

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

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

Amendment

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

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

Or. en

Justification

Although the digital environment and development of e-commerce bring enforcement challenges that require a highest level of the attention of competent authorities, the aim of this Regulation should be to secure a high degree of consumer protection, fair environment and a level playing field in the Single Market in general, irrespective whether online or offline.

Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

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

Amendment

(2) The Digital Single Market Strategy adopted by the Commission on 6 May 2015 identified as one of the priorities the need to enhance consumer trust through more rapid and consistent enforcement of consumer *laws*. The Single Market Strategy adopted by the Commission on 28 October 2015 reiterated that enforcing Union *laws that protect consumers' interests* should be further strengthened by the *reform of Regulation (EC) No 2006/2004*,

Or. en

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) The *resulting* ineffective enforcement of cross-border infringements, *in particular* in the digital environment, enables traders to evade enforcement by relocating within the Union, giving rise to a distortion of competition for law-abiding traders operating either domestically or cross-border, and thus directly harming consumers and *undermineing* consumer confidence in cross-border transactions and the Single Market. An increased level of harmonisation *setting* effective and efficient *enforcement* cooperation among competent public enforcement authorities is therefore necessary to detect, investigate *and order* the cessation of *intra-Union* infringements *and widespread infringements*,

Amendment

(3) The ineffective enforcement of *the laws governing* cross-border infringements, *including* in the digital environment, enables traders to evade enforcement *of those laws* by relocating within the Union, giving rise to a distortion of competition for law-abiding traders operating either domestically or cross-border, and thus directly harming consumers and *undermining* consumer confidence in cross-border transactions and the Single Market. An increased level of harmonisation, *ensuring* effective and efficient cooperation among competent public enforcement authorities, is therefore necessary *in order* to detect, investigate, *order and force* the cessation of infringements,

Or. en

Amendment 4

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Regulation (EC) No 2006/2004 *of the European Parliament and of the Council* established a network of competent public authorities throughout the Union. Effective coordination among different competent authorities participating in the network, as well as other public authorities at the level of Member States, is necessary. The coordination role of the single liaison office should be entrusted *to a competent authority* in each Member State that has sufficient powers and resources to undertake *this* key role *in the network of competent authorities*,

Amendment

(4) Regulation (EC) No 2006/2004 established a network of competent public authorities throughout the Union. Effective coordination among different competent authorities participating in the network, as well as other public authorities at the level of Member States, is necessary. The coordination role of the single liaison office should be entrusted in each Member State *to a public authority* that has sufficient powers and *necessary and sufficient* resources to undertake *that* key role,

Or. en

Justification

The role of the single liaison office (SLO) is to ensure the smooth circulation of information and coordination between different national competent authorities in charge of the implementation/enforcement. In several Member States, SLOs are not necessarily also competent authorities. It should be allowed for these Member States to continue in this model if it works efficiently.

Amendment 5

Proposal for a regulation

Recital 5

Text proposed by the Commission

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

Amendment

(5) Consumers should also be protected *against* infringements that only last for a short period of time but *the* harmful effects *of which* may continue long after the infringement has stopped. Competent authorities should have the necessary powers to investigate and order a cessation

and order a cessation of such infringements
in the future,

of such infringements,

Or. en

Amendment 6

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to ensure legal certainty and the efficiency of enforcement actions against ceased infringements in a cross-border context, and to prevent differential treatment both for consumers and traders in the Single Market, the introduction of a limitation period is needed. This will involve the setting of an unambiguous period of time within which competent authorities, when enforcing the rules governing cross-border infringements, may impose sanctions, order the compensation of consumers or order the restitution of profits obtained as a result of infringements,

Or. en

Amendment 7

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) Competent authorities should have a ***minimum*** set of powers of investigation and enforcement to apply this Regulation ***effectively, to*** cooperate with each other, and ***to*** deter traders from committing ***intra-Union*** infringements ***and widespread infringements***. Those powers should be ***adequate to*** tackle the enforcement

(6) Competent authorities should have a ***consistent*** set of powers of investigation and enforcement, ***in order*** to apply this Regulation, cooperate with each other ***more quickly and more efficiently*** and deter traders from committing infringements. Those powers should be ***sufficient to effectively*** tackle the

challenges of e-commerce and the digital environment *where the possibilities of a trader easily concealing its identity or changing it are of particular concern*. Those powers should ensure that evidence can be validly exchanged among competent authorities to achieve effective enforcement at an equal level in all Member States,

enforcement challenges of e-commerce and the digital environment *and to prevent non-compliant traders from exploiting gaps in the enforcement system by relocating to Member States whose competent authorities are not equipped to tackle unlawful practices*. Those powers should ensure that *information and* evidence can be validly exchanged among competent authorities to achieve effective enforcement at an equal level in all Member States,

Or. en

Amendment 8

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Member States may choose whether the competent authorities exercise those powers directly under their own authority or by application to the competent courts. Where the Member States choose that competent authorities exercise their powers by application to the competent courts, Member States should ensure that those powers can be exercised effectively and in a timely manner and that the cost of *exercise of* those powers *be* proportionate and does not hamper the application of this Regulation,

Amendment

(7) *This Regulation does not affect the freedom of Member States to choose the enforcement system they deem appropriate.* Member States may choose whether the competent authorities exercise those powers directly under their own authority *or under the supervision of the judicial authorities* or by application to the competent courts. Where the Member States choose that competent authorities exercise their powers by application to the competent courts, Member States should ensure that those powers can be exercised effectively and in a timely manner and that the cost of *exercising* those powers *is* proportionate and does not hamper the application of this Regulation,

Or. en

Amendment 9

Proposal for a regulation Recital 9

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 10

Proposal for a regulation Recital 10

Text proposed by the Commission

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

Amendment

(10) Competent authorities should have access to all necessary evidence, data and information ***relating to the subject matter of an investigation in order*** to determine whether an infringement has occurred, and in particular to identify the trader responsible, irrespective of who possesses ***the*** evidence, information or data ***in question and regardless*** of where it is located and of its format. Competent authorities should be able to directly request that third parties in the digital value chain provide all the evidence, data and information necessary,

Or. en

Amendment 11

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 12

Proposal for a regulation Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) Competent authorities should be able to request any representative or member of the staff of the trader concerned to give explanations or provide facts, information or documents relating to the subject matter of the inspection, and to record the answers given by that representative or staff member,

Or. en

Amendment 13

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) Competent authorities should be able to verify compliance with ***consumer protection legislation*** and to obtain evidence of ***intra-Union*** infringements ***or***

(11) Competent authorities should be able to verify compliance with ***Union laws that protect consumers' interests*** and to obtain evidence of infringements ***before,***

widespread infringements, especially those that take place during or after the purchase of goods and services. They should therefore have the power to make test purchases and to purchase goods or services under a cover identity,

during or after the purchase of goods and services. They should therefore have the power to make test purchases and, **where the evidence cannot be obtained by other means**, to purchase goods or services under a cover identity,

Or. en

Justification

Pre-contractual phase is added, during which also certain consumer legislation applies.

Amendment 14

Proposal for a regulation

Recital 12

Text proposed by the Commission

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

Amendment

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, notably where the trader selling goods or services conceals **his** identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should be able to adopt interim measures, **where there are no other means available** to prevent **or mitigate** such harm, including, where necessary, the suspension of a website, **service or account, or putting a fully qualified domain name on hold for a specific period of time**. Furthermore, the competent authorities should have the power to **close** down or have a third party service provider **close** down a website, **service or account or a part of it, delete a fully qualified domain name and allow the competent authority concerned to register it**,

Or. en

Amendment 15

Proposal for a regulation

Recital 13

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 16

Proposal for a regulation

Recital 14

Text proposed by the Commission

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

Amendment

(14) As regards consumer redress, the competent authorities should choose *effective* measures that *will* prevent or reduce the risk of recurrence or repetition of infringements. *The power to order the compensation of consumers or to the restitution of profits is essential in order to remove the harm caused by a cross-border infringement, to restore the level playing field in the single market that has been distorted through the collection of profits obtained as a result of infringements, and to deter traders engaged in cross-border activities from committing or repeating cross-border*

profits obtained through the infringement be paid to the public purse or to a beneficiary designated by the competent authority or under national legislation,

infringements. Where the consumers concerned cannot be identified, the competent authority may order that the restitution of profits obtained through the infringement be paid to the public purse or to a beneficiary designated by the competent authority or under national legislation,

Or. en

Amendment 17

Proposal for a regulation Recital 15

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 18

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) The Commission *must* be better able to coordinate and monitor the functioning of the mutual assistance mechanism, issue guidance, make

Amendment

(16) The Commission *should* be better able to coordinate and monitor the functioning of the mutual assistance mechanism, issue guidance, make

recommendations and issue opinions to the Member States when problems arise. The Commission **also must** be better able to effectively and quickly assist competent authorities to resolve disputes over the interpretation of their obligations **of the competent authorities** stemming from the mutual assistance mechanism,

recommendations and issue opinions to the Member States when problems arise. The Commission **should also** be better able to effectively and quickly assist competent authorities to resolve disputes over the interpretation of their obligations stemming from the mutual assistance mechanism,

Or. en

Amendment 19

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) Harmonised rules setting out the procedure for the coordination of the **surveillance**, investigation and enforcement of widespread infringements **should be provided**. Coordinated actions against widespread infringements should ensure that competent authorities may choose the most appropriate and efficient tools to stop widespread infringements and to ensure consumer compensation,

Amendment

(17) Harmonised rules **should be laid down** setting out the procedure for the coordination of the investigation of widespread infringements **and widespread infringements with Union dimension and enforcement of the rules governing such infringements**. Coordinated actions against widespread infringements **and widespread infringements with Union dimension** should ensure that competent authorities may choose the most appropriate and efficient tools to stop widespread infringements **and widespread infringements with Union dimension** and to ensure consumer compensation,

Or. en

Amendment 20

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Coordinated screening of online e-commerce websites (sweeps) **are** another

Amendment

(18) Coordinated screening of online e-commerce websites (sweeps) **is** another

form of enforcement coordination that has proven to be an effective tool against infringements *that* should be retained and strengthened in the future,

form of enforcement coordination that has proven to be an effective tool against infringements *which* should be retained and strengthened in the future, *including by extending its application to offline sectors,*

Or. en

Justification

Sweeps are currently only used for the coordinated screening of websites. As it that has proven to be an effective tool against infringements, coordinated control actions could be conducted also in the offline sectors to control performance of different consumer markets.

Amendment 21

Proposal for a regulation

Recital 19

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 22

Proposal for a regulation Recital 20

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

Rights of defence are not limited to the context of widespread infringements and widespread infringement with a Union dimension and should be mentioned in relation to respect of fundamental rights (see recital 35).

Amendment 23

Proposal for a regulation Recital 21

Text proposed by the Commission

Amendment

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

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

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

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

Or. en

Justification

Where one of the authorities is designated to take enforcement measures on behalf of other competent authorities concerned, the location of the trader should not be the most prominent criterion, however other relevant aspect of the competent authority shall be taken into account, such as the resources of the competent authority, the choice of enforcement measures it is likely to use, and the potential to stop the infringement as well as provide redress to consumers.

Amendment 24

Proposal for a regulation

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) In order to enhance the transparency of the cooperation network, and to raise awareness amongst consumers and the public in general, the Commission should submit biannual reports to the European Parliament and the Council summarising information, statistics and developments in the area of consumer law enforcement, collected within the framework of the cooperation provided for by this Regulation,

Or. en

Amendment 25

Proposal for a regulation

Recital 23

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 26

Proposal for a regulation

Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Entities with appropriate expertise and a legitimate interest in consumer protection, in particular consumer organisations, should be allowed to participate in the alert mechanism provided for by this Regulation. Although competent authorities should not be bound to initiate a procedure or to take any other action in response to alerts and information provided by such entities,

they should, in order to enhance transparency, notify the entity that made the external alert of any follow-up actions taken by the competent authority concerned in relation to the alerts, or of the lack of any action, giving reasons in the latter case as to why the alert was not acted upon,

Or. en

Justification

In order to strengthen the cooperation among the authorities and consumer associations, a consumer organisation that notifies an alert shall receive a feedback, even if no action is taken by the competent authority.

Amendment 27

Proposal for a regulation Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) Participation of trader associations in the alert mechanism should be allowed to signal situations where honest traders are likely to suffer from unfair competition by traders who do not comply with Union consumer law,

Or. en

Amendment 28

Proposal for a regulation Recital 24

Text proposed by the Commission

Amendment

(24) Infringements which are widespread throughout the Union should be effectively and efficiently resolved. To *this* end, enforcement prioritisation and planning at the Member State level should be coordinated and the available resources

(24) Infringements which are widespread throughout the Union should be effectively and efficiently resolved. To *that* end, enforcement prioritisation and planning at the Member State level should be coordinated and the available resources

of competent authorities should be pooled.
A system of **biennial rolling** enforcement plans should be put in place to achieve this,

of competent authorities should be pooled.
A system of **biannual** enforcement plans should be put in place to achieve this,

Or. en

Amendment 29

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Data related to consumer complaints may help policymakers at a national and Union level to assess the functioning of consumer markets and detect infringements. ***With a view to facilitating*** the exchange of such data at a Union level, ***the Commission has adopted a Recommendation on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries***⁵⁹. ***That Recommendation should be implemented to fully support enforcement cooperation and facilitate the detection of intra-Union infringements and widespread infringements,***

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

Amendment

(25) Data related to consumer complaints may help policymakers at national and Union level to assess the functioning of consumer markets and ***to*** detect infringements. The exchange of such data at Union level ***and coordination between the Member States and the Commission of activities contributing to surveillance and enforcement should be promoted,***

Or. en

Amendment 30

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) Enforcement challenges *that* go beyond the frontiers of the Union, *and* the interests of *Union* consumers should be protected *from* rogue traders based in third countries. *Hence*, international agreements with third countries regarding mutual assistance in the enforcement of legislation that protects consumers' interests should be negotiated. Those international agreements should include the subject matter laid down in this Regulation and should be negotiated at Union level in order to ensure the optimum protection of Union consumers and smooth cooperation with third countries,

Amendment

(26) Enforcement challenges go beyond the frontiers of the Union. The interests of *European* consumers should be protected *against* rogue traders based in third countries. International agreements with third countries regarding mutual assistance in the enforcement of legislation that protects consumers' interests should be negotiated. Those international agreements should include the subject matter laid down in this Regulation and should be negotiated at Union level in order to ensure the optimum protection of Union consumers and smooth cooperation with third countries,

Or. en

Amendment 31

Proposal for a regulation

Recital 27

Text proposed by the Commission

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

Amendment

(27) In order to ensure uniform conditions for the implementation *of this Regulation, implementing powers should be conferred on the Commission, to lay down the standard forms and steps of the procedure under the mutual assistance mechanism; set time limits and standard forms for notifications and other exchanges of information and enforcement requests for coordinated actions in relation to widespread infringements and widespread infringements with a Union dimension; set out the details of the procedure for sweeps; lay down standard forms for submitting an alert via the database; lay down the details of the designation and participation of consumer organisations and associations and trader organisations*

in the alert mechanism and the means of notification of any follow-up actions taken in relation to external alerts, or the lack of any action; and lay down standard electronic forms and templates available in the database. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶⁰,

⁶⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13-18).

⁶⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Amendment 32

Proposal for a regulation Recital 28

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 33

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) This Regulation is without prejudice to *penalties* laid down in sectoral Union legislation and Union consumer legislation and applied to national infringements. The competent authorities should, as appropriate, apply the provisions of national law implementing those provisions, taking into account the actual scale and scope of the infringement and the harm caused by the infringement to consumers in other Member States,

Amendment

(34) This Regulation is without prejudice to *sanctions* laid down in sectoral Union legislation and Union consumer legislation and applied to national infringements. The competent authorities should, as appropriate, apply the provisions of national law implementing those provisions, taking into account the actual scale and scope of the infringement *concerned* and the harm caused by the infringement to consumers in other Member States,

Or. en

Amendment 34

Proposal for a regulation
Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) This Regulation should be implemented and applied in full compliance with the Union rules on the protection of individuals with regard to the processing of personal data,

Or. en

Amendment 35

Proposal for a regulation
Recital 35

Text proposed by the Commission

Amendment

(35) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union⁶⁷. Accordingly this

(35) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union⁶⁷. Accordingly, this

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

⁶⁷ OJ C 364, 18.12.2000, p. 1.

Regulation should be interpreted and applied with respect to those rights and principles. When exercising the powers set out in this Regulation, the competent authorities should strike an appropriate balance between the interests protected by fundamental rights, such as a high level of consumer protection, the freedom to conduct business and freedom of information. *The rights of defence of traders should be guaranteed throughout the procedures laid down in this Regulation,*

⁶⁷ OJ C 364, 18.12.2000, p. 1.

Or. en

Amendment 36

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 37

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

Amendment

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

1. This Regulation applies to intra-Union infringements, **widespread infringements** and widespread infringements **with a Union dimension as respectively** defined in points (b), (c) **and (ca)** of Article 3, **even where those infringements have ceased before an enforcement procedure started or could be completed.**

Or. en

Amendment 38

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

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

The term ‘short-lived intra-Union infringements’ is not used elsewhere in the text, instead, ‘ceased infringement’ is used. Moved to and merged with Article 2 (1).

Amendment 39

**Proposal for a regulation
Article 2 – paragraph 8**

Text proposed by the Commission

Amendment

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

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

European Parliament and of the Council⁶⁸.

and to compensatory collective redress actions taken by bodies other than competent authorities.

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

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

Or. en

Justification

Possibility of other bodies, in particular consumer organisations, to act beyond the enhanced cooperation procedures among competent authorities in order to put an end to the infringement should be retained.

Amendment 40

Proposal for a regulation

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘laws that protect consumers' interests’ means the Directives as transposed into the internal legal order of the Member States and the Regulations listed in the Annex;

Amendment

(a) ‘**Union** laws that protect consumers' interests’ means the Directives as transposed into the internal legal order of the Member States and the Regulations listed in the Annex **hereto**;

Or. en

Amendment 41

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘intra-Union infringement’ means any **ongoing or ceased** act or omission contrary to **the** laws that protect consumers' interests that harmed, harms, or is likely to harm the collective interests of consumers

Amendment

(b) ‘intra-Union infringement’ means any act or omission contrary to **Union** laws that protect consumers' interests that harmed, harms, or is likely to harm the collective interests of consumers residing

residing in a Member State other than the Member State where the act or omission originated or took place, where the trader responsible for the act or omission is established or where evidence or assets of the trader pertaining to the act or omission are to be found;

in a Member State other than the Member State where the act or omission originated or took place, **or** where the trader responsible for the act or omission is established, or where evidence or assets of the trader pertaining to the act or omission are to be found;

Or. en

Amendment 42

Proposal for a regulation

Article 3 – paragraph 1 – point c – point 1

Text proposed by the Commission

(1) any act or omission contrary to **the** laws that protect consumers' interests that harmed, harms, or is likely to harm the collective interests of consumers residing in at least two Member States other than the Member State where the act or omission originated or took place, or where the trader responsible for the act or omission is established, or where evidence or assets pertaining to the act or omission are to be found; irrespective of whether the act or omission is ongoing or has ceased; or

Amendment

(1) any act or omission contrary to **Union** laws that protect consumers' interests that harmed, harms, or is likely to harm the collective interests of consumers residing in at least two Member States other than the Member State where the act or omission originated or took place, or where the trader responsible for the act or omission is established, or where evidence or assets pertaining to the act or omission are to be found; irrespective of whether the act or omission is ongoing or has ceased; or

Or. en

Amendment 43

Proposal for a regulation

Article 3 – paragraph 1 – point c – point 2

Text proposed by the Commission

(2) any acts or omissions contrary to **the** laws that protect consumers interests that have common features, such as the same unlawful practice, the same interest being infringed or that are occurring

Amendment

(2) any acts or omissions contrary to **Union** laws that protect consumers interests **that harmed, harm, or are likely to harm consumers' collective interests and** that have common features, such as

concurrently, in at least two Member States;

the same unlawful practice *or* the same interest being infringed, or that are occurring concurrently, in at least two Member States;

Or. en

Amendment 44

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Due to the complexity of investigation and coordinated enforcement that is foreseen in case of widespread infringement with a Union dimension, the anticipation of the Commission as the coordinating entity is needed. The Member States' threshold should be lowered to a single majority of Member States and the population threshold should be deleted in order to cover as many complex investigations as possible.

Amendment 45

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Definition from the text of the existing CPC Regulation 2006/2004.

Amendment 46

Proposal for a regulation

Article 3 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) 'single liaison office' means the public authority in each Member State designated as responsible for coordinating the application of this Regulation within that Member State;

Or. en

Justification

Definition from the text of the existing CPC Regulation 2006/2004.

Amendment 47

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 48

Proposal for a regulation

Article 3 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) 'harm to collective interests of

(i) 'harm to collective interests of

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

consumers' means actual or potential harm to the interests of a number of consumers that are concerned by intra-Union infringements, widespread infringements *or widespread infringements with a Union dimension;*

Or. en

Amendment 49

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ia) *'concerted investigations of consumer markets ("sweeps")' means simultaneous coordinated control actions in consumer markets to identify infringements of Union laws that protect consumers' interests.*

Or. en

Justification

Legal basis for a concerted investigations in consumer markets (sweeps) is laid down by this Regulation.

Amendment 50

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Amendment

Limitation *periods for* infringements

Limitation *period for the imposition of sanctions, for ordering the compensation of consumers and for ordering the restitution of profits obtained as a result of* infringements

Amendment 51**Proposal for a regulation
Article 4 – paragraph 1***Text proposed by the Commission*

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

Amendment

1. The competent authorities may investigate infringements referred to in Article 2 and **stop** traders from engaging in such infringements in the future. The competent authorities may **use the following powers** within five years from the cessation of the infringement:

- (a) **to impose sanctions, as provided for in point (m) of Article 8(2);**
- (b) **to order the trader responsible to compensate consumers that have suffered harm as a consequence of the infringement, as provided for in point (n) of Article 8(2); and**
- (c) **to order the restitution of profits obtained as a result of infringements, as provided for in point (o) of Article 8(2).**

Or. en

Justification

The limitation period of 5 years from the end of the infringement to apply sanctions should not only apply to the imposition of financial fines but to also cover other measures, namely ordering redress or restitution of illegal profits.

Amendment 52**Proposal for a regulation
Article 4 – paragraph 2***Text proposed by the Commission*

2. The limitation period for **the imposition of penalties** shall begin to run

Amendment

2. The limitation period for **exercising the powers referred to in paragraph 1**

on the day on which the infringement ceased.

shall begin to run on the day on which the infringement ceased.

Or. en

Amendment 53

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 54

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate *as* the competent authorities *public authorities established either at national, regional or local level with specific responsibilities to enforce the laws that protect consumers' interests*.

Amendment

1. Each Member State shall designate the competent authorities *and a single liaison office responsible for the application of this Regulation*.

Or. en

Amendment 55

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Justification

The role of the single liaison office (SLO) is to ensure the smooth circulation of information and coordination between different national competent authorities in charge of the implementation/enforcement. In several Member States, SLOs are not necessarily also competent authorities. It should be allowed for these Member States to continue in this model if it works efficiently.

Amendment 56

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. The single liaison office shall be responsible for coordinating investigation and enforcement activities *related* to intra-Union infringements *and* widespread infringements *by the competent authorities, other public authorities as set out in Article 6, designated bodies as set out in Article 13 and entities participating in the alert mechanism as set out in Article 34.*
4. The single liaison office shall be responsible for coordinating, *as between the competent authorities, other public authorities as referred to in Article 6, designated bodies as referred to in Article 13 and entities participating in the alert mechanism as referred to in Article 35,* investigation and enforcement activities *relating* to intra-Union infringements, widespread infringements *and widespread infringements with a Union dimension.*

Or. en

Amendment 57

Proposal for a regulation Article 5 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 58

**Proposal for a regulation
Article 7 – paragraph 1 – introductory part**

Text proposed by the Commission

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

Amendment

1. Each Member State shall communicate without delay to the Commission:

Or. en

Justification

In order to avoid administrative burden, Member States shall communicate the required information to the Commission only. Commission should be responsible to spread the information via a database.

Amendment 59

**Proposal for a regulation
Article 7 – paragraph 1 – point a (new)**

Text proposed by the Commission

Amendment

(a) the identities and contact details of the competent authorities, of the single liaison office, of the designated bodies and of the entities participating in the alert mechanism as referred to in Article 35;

Or. en

Justification

Not only identities, but also direct contact details regularly updated of all parties involved in the cooperation could facilitate better communication.

Amendment 60

Proposal for a regulation

Article 7 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) information about the organisation, powers and responsibilities of the competent authorities; and

Or. en

Justification

Moved here from Article 45.

Amendment 61

Proposal for a regulation

Article 7 – paragraph 1 – point c (new)

Text proposed by the Commission

Amendment

(c) any changes to the information mentioned in points (a) and (b).

Or. en

Amendment 62

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. The Commission shall maintain and update ***a publicly available list of single liaison offices, competent authorities, designated bodies and entities on its website.***

Amendment

2. The Commission shall maintain and update ***on its website the information referred to in paragraph 1 and make it publicly available.***

Or. en

Amendment 63

Proposal for a regulation Article 8 – title

Text proposed by the Commission

Minimum powers of competent authorities

Amendment

Powers of competent authorities

Or. en

Amendment 64

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***Member States shall entrust*** competent ***authorities with*** the investigation and enforcement powers necessary for the application of this Regulation. ***The competent authorities*** shall exercise ***those powers*** in accordance with this Regulation and ***with*** national law.

Or. en

Justification

For achieving an effective cooperation these powers should be available to enforcement authorities in all Member States.

Amendment 65

Proposal for a regulation

Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Purpose limitation applying for all powers in Article 8.

Amendment 66

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

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

an investigation;

Or. en

Justification

Limitation to the subject matter of an investigation.

Amendment 67

Proposal for a regulation

Article 8 – paragraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Limitation to the subject matter of an investigation.

Amendment 68

Proposal for a regulation

Article 8 – paragraph 2 – point d

Text proposed by the Commission

(d) carry out the necessary on-site inspections, including *in particular* the power to enter any premises, land or means

Amendment

(d) carry out the necessary on-site inspections, including the power to enter any premises, land or means of transport

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

that the trader uses for purposes related to his trade, business, craft or profession, or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection;

Or. en

Justification

Limitation to premises that are used for business purposes.

Amendment 69

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Separated from (d).

Amendment 70

Proposal for a regulation

Article 8 – paragraph 2 – point e

Text proposed by the Commission

Amendment

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

(e) purchase goods or services as test purchases, ***including under a cover identity***, in order to detect infringements under this Regulation and obtain evidence;

Or. en

Amendment 71

Proposal for a regulation

Article 8 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) ***purchase goods or services under a cover identity in order to detect infringements and to obtain evidence;***

deleted

Or. en

Justification

Merged with (e).

Amendment 72

Proposal for a regulation

Article 8 – paragraph 2 – point g

Text proposed by the Commission

Amendment

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

(g) adopt interim measures, ***where there are no other means available*** to prevent the risk of serious and irreparable harm to consumers, in particular the suspension of a website, ***service or account, or putting a fully qualified domain name on hold for a specified period of time;***

Or. en

Justification

These measures should be used where there are no other means available only. A fully qualified domain name is an unambiguous reference to the exact identifier. "Hold" is a technical term used for the temporary suspension of a domain name. The addition of a "specified amount of time" underlines the interim nature of the measure.

Amendment 73

Proposal for a regulation

Article 8 – paragraph 2 – point h

Text proposed by the Commission

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

Amendment

(h) start investigations or procedures to bring about the cessation of intra-Union infringements, widespread infringements *or widespread infringements with a Union dimension* of its own initiative and to publish information about this;

Or. en

Justification

All powers set in Article 8 are possibilities rather than obligations for a competent authority to act. All these powers will be used in fact "where appropriate".

Amendment 74

Proposal for a regulation

Article 8 – paragraph 2 – point i

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

All powers set in Article 8 are possibilities rather than obligations for a competent authority to act. All these powers will be used in fact "where appropriate".

Amendment 75

Proposal for a regulation

Article 8 – paragraph 2 – point l

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

A fully qualified domain name is an unambiguous reference to the exact identifier. "Delete" is the technical term used for the action of removing a domain from a zone. By allowing the competent authority to register it immediately following the deletion, a re-registration for fraudulent use can be prevented.

Amendment 76

Proposal for a regulation

Article 8 – paragraph 2 – point m

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 77

Proposal for a regulation

Article 8 – paragraph 2 – point q

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Competent authorities should have a possibility to consult consumer organisations and designated bodies at any stage of investigation. The consultation is not mandatory and its outcome is not legally binding for the authority.

Amendment 78

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

Exercise of **minimum** powers

Amendment

Exercise of powers **by competent authorities**

Or. en

Amendment 79

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) directly under their own authority;
or

Amendment

(a) directly under their own authority
or under the supervision of the judicial

authorities; or

Or. en

Justification

Member States may continue to choose whether the competent authority will exercise the powers directly or by application to courts. This is already the case under the existing CPC Regulation 2006/2004 (cf. Art. 4(4)).

Amendment 80

**Proposal for a regulation
Article 9 – paragraph 2**

Text proposed by the Commission

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

Amendment

2. Insofar as competent authorities exercise their powers by application to courts, those courts shall have the power to grant the necessary decisions.

Or. en

Justification

Reflection of the text of the existing CPC Regulation 2006/2004 (Art. 5 (5))

Amendment 81

**Proposal for a regulation
Article 10**

Text proposed by the Commission

Article 10

Implementing powers

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

Amendment

deleted

procedure referred to in Article 48(2).

Or. en

Amendment 82

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Binding time limit for an answer to a request from an applicant authority shall be set.

Amendment 83

Proposal for a regulation Article 11 – paragraph 4

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 84

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 85

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

Amendment

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

1. A requested authority shall, *without undue delay*, on request from an applicant authority, take all necessary enforcement measures to bring about the cessation of the intra-Union infringement *by exercising the powers set out in Article 8 and any additional powers granted to it under national law*, including imposing *sanctions* and ordering or facilitating the compensation of consumers for harm caused by the infringement.

Or. en

Justification

Enforcement measures shall be taken as soon as possible.

Amendment 86

Proposal for a regulation Article 12 – paragraph 2

PE594.014v02-00

48/102

PR\1111270EN.docx

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

Covered by Article 12 (1) and Article 6.

Amendment 87

Proposal for a regulation

Article 12 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 88

Proposal for a regulation Article 12 – paragraph 3 – point c

Text proposed by the Commission

(c) which *penalties* have been imposed;

Amendment

(c) which *measures* have been imposed *and whether those measures have been implemented*;

Or. en

Amendment 89

Proposal for a regulation Article 12 – paragraph 3 – point e

Text proposed by the Commission

(e) *whether the measures taken have been implemented.*

Amendment

deleted

Or. en

Amendment 90

Proposal for a regulation Article 12 – paragraph 4

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 91

Proposal for a regulation Article 12 – paragraph 5

PE594.014v02-00

50/102

PR\1111270EN.docx

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 92

Proposal for a regulation Article 13 – paragraph 6

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 93

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

Text proposed by the Commission

Amendment

(a) *in its opinion*, following consultation with the applicant authority, the information requested is not needed by the applicant authority to establish whether an intra-Union infringement has occurred or to establish whether there is a reasonable suspicion that it may occur;

(a) following consultation with the applicant authority, ***the requested authority provides justified reasons showing that*** the information requested is not needed by the applicant authority ***in order*** to establish whether an intra-Union infringement has occurred or to establish

whether there is a reasonable suspicion that it may occur;

Or. en

Justification

Refusal to comply with a request for mutual assistance should be always based on a justified reason.

Amendment 94

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 95

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) in its opinion, following appropriate investigation *by the requested authority*, no intra-Union infringement has occurred;

Amendment

(b) in its opinion, following appropriate investigation, no intra-Union infringement has occurred;

Or. en

Amendment 96

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 97

Proposal for a regulation

Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 98

Proposal for a regulation

Article 15 – paragraph 4

Text proposed by the Commission

4. In the event of a disagreement between the applicant and the requested authority, the applicant authority or the

Amendment

4. In the event of a disagreement between the applicant *authority* and the requested authority, the applicant authority

requested authority shall without delay refer the matter to the Commission which shall issue an opinion. Where the matter is not referred to it, the Commission may of its own motion issue an opinion.

or the requested authority shall without delay refer the matter to the Commission, which shall issue an opinion. Where the matter is not referred to it, the Commission may of its own motion issue an opinion.

For the purpose of issuing an opinion, the Commission may ask for relevant information and documents exchanged between the applicant authority and the requested authority.

Or. en

Amendment 99

Proposal for a regulation Article 15 – paragraph 5

Text proposed by the Commission

5. The Commission shall monitor the functioning of the mutual assistance mechanism, the compliance of competent authorities with the procedures and ***the*** time limits for handling mutual assistance requests. The Commission shall have access to the mutual assistance requests ***and to the information and documents exchanged between the applicant and requested authority.***

Amendment

5. The Commission shall monitor the functioning of the mutual assistance mechanism ***and*** the compliance of competent authorities with the procedures and time limits for handling mutual assistance requests. The Commission shall have access to the mutual assistance requests.

Or. en

Amendment 100

Proposal for a regulation Article 15 – paragraph 7

Text proposed by the Commission

7. ***The Commission may adopt implementing acts setting out the details of the procedures to address cases of disagreement between competent authorities under paragraphs 3 and 4.***

Amendment

deleted

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

Or. en

Amendment 101

Proposal for a regulation Article 15 a (new)

Text proposed by the Commission

Amendment

Article 15a

Implementing acts

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

Or. en

Amendment 102

Proposal for a regulation Chapter IV – title

Text proposed by the Commission

Amendment

**COORDINATED *SURVEILLANCE*,
INVESTIGATION AND
ENFORCEMENT MECHANISM FOR
WIDESPREAD INFRINGEMENTS**

**COORDINATED INVESTIGATION
AND ENFORCEMENT MECHANISM
FOR WIDESPREAD INFRINGEMENTS
*AND WIDESPREAD
INFRINGEMENTS WITH A UNION
DIMENSION***

Or. en

Amendment 103

Proposal for a regulation Chapter IV – section I – title

Text proposed by the Commission

Amendment

Widespread infringements

Widespread infringements **and widespread infringements with a Union dimension**

Or. en

Justification

In order to simplify the structure of the proposal and avoid duplications, the reorganisation of the provisions in Chapter IV and integration of two possible procedures (widespread infringements and widespread infringements with a Union dimension) in one overall procedure is proposed. At the same time, the concept of several types of infringements, i.e. differentiating between intra-Union infringements, widespread infringements and widespread infringements with a Union dimension remains.

Amendment 104

Proposal for a regulation Article 16 – title

Text proposed by the Commission

Amendment

Opening of coordinated **action** and designation of the coordinator

Launching of coordinated **actions** and designation of the coordinator

Or. en

Amendment 105

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. Where a competent authority has a reasonable suspicion that a widespread infringement is taking place, it shall notify the competent authorities of the **other** Member States concerned by **the** **widespread** infringement and the

1. Where a competent authority **or the Commission** has a reasonable suspicion that a widespread infringement is taking place, it shall notify the competent authorities of the Member States concerned by **that** infringement and the Commission,

Commission without delay.

where applicable, without delay.

Or. en

Amendment 106

Proposal for a regulation Article 16 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

Merged with Article 16(1).

Amendment 107

Proposal for a regulation Article 16 – paragraph 3

Text proposed by the Commission

Amendment

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

3. After receiving *a notification by a competent authority*, the competent authorities concerned by the widespread infringement shall, acting by consensus, *decide about launching a coordinated action. The notifying* competent authority *shall coordinate the action unless the competent authorities concerned by the widespread infringement agree that another competent authority or the Commission is to* coordinate the action.

Or. en

Justification

A clear procedure for the launching of coordinated actions and for the designation of the coordinator has to be set, including a pro-active role for the notifying competent authority.

Amendment 108

Proposal for a regulation Article 16 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 109

Proposal for a regulation Article 16 – paragraph 5

Text proposed by the Commission

Amendment

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

5. When *it is the Commission that notifies the competent authorities, it* may propose to take up the coordination role. The competent authorities concerned shall inform the Commission without delay whether they *agree to the Commission coordinating the action, or whether they agree on a competent authority that is to coordinate* the action.

Or. en

Amendment 110

Proposal for a regulation Article 16 – paragraph 6

Text proposed by the Commission

Amendment

6. *Where the Commission declines to take up the coordination role or where the competent authorities concerned do not accept that the Commission coordinates the action, the competent authorities concerned shall designate a competent authority that shall coordinate the action. Where no agreement among competent authorities is reached, the competent authority that first notified the suspected infringement to the other competent authorities shall coordinate the action.*

deleted

Or. en

Amendment 111

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

Text proposed by the Commission

Amendment

6a. *Where a reasonable suspicion exists that a widespread infringement with a Union dimension is taking place, the rules laid down in paragraphs 1 and 3 shall apply mutatis mutandis, with the exception of the rules applying to the designation of the coordinator, which shall invariably be the Commission.*

Or. en

Justification

The Commission shall always be the coordinator in case of a widespread infringement with a Union dimension.

Amendment 112

Proposal for a regulation Article 16 a (new)

Article 16a

Participation in coordinated actions

1. A competent authority may decline to take part in a coordinated action for any of the following reasons:

(a) a criminal investigation or judicial proceedings have already been initiated in respect of the same infringement and against the same trader in the Member State concerned;

(b) a final administrative decision, a final judgment or a court settlement has already been arrived at in respect of the same infringement and against the same trader in the Member State concerned;

(c) the relevant infringement has not occurred in the Member State concerned.

2. Following the decision to launch a coordinated action pursuant to Article 16, where a competent authority decides not to take part in the coordinated action, it shall without delay inform the Commission and the other competent authorities and single liaison offices concerned about its decision, state the reasons for it and provide the necessary supporting documents.

3. A competent authority may join a coordinated action if it becomes apparent during the coordinated action that it is concerned by the widespread infringement or the widespread infringement with a Union dimension that is the subject of the coordinated action.

Or. en

Justification

Separated from Article 21.

Amendment 113

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

3. **Where appropriate**, the competent authorities concerned **may** set out the outcome of the investigation and the assessment of the widespread infringement in a common position agreed upon among themselves.

Amendment

3. The competent authorities concerned **shall** set out the outcome of the investigation and the assessment of the widespread infringement **or the widespread infringement with a Union dimension, where applicable**, in a common position agreed upon among themselves.

Or. en

Amendment 114

Proposal for a regulation

Article 17 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Once the professional secrecy criteria, foreseen in Article 41 have been complied with, the competent authorities or the Commission should publish either the common position itself, parts of it or at least the information about it in order to improve transparency and inform consumers. The provisions on seeking the views of interested parties about the common positions shall explicitly mention entities with appropriate expertise and legitimate interest in consumer protection, in particular consumer organisations.

Amendment 115

Proposal for a regulation Article 18 – title

Text proposed by the Commission

Enforcement measures in coordinated actions

Amendment

Commitments in coordinated actions

Or. en

Amendment 116

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 117

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

2. Where the trader proposes commitments, the competent authorities

Amendment

2. Where the trader proposes commitments, the competent authorities

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

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

Or. en

Amendment 118

Proposal for a regulation

Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The competent authorities concerned shall assess the proposed commitments by the trader and communicate to the trader the outcome of the assessment contained in a common position agreed upon among themselves. Where commitments are considered to be sufficient to ensure the cessation of the widespread infringement or widespread infringement with a Union dimension and, where appropriate, the compensation of consumers harmed by it, the competent authorities shall accept those commitments and set a time limit for implementation of the commitments.*

Or. en

Amendment 119

Proposal for a regulation

Article 18 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 120

Proposal for a regulation

Article 18 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. *Where it is unlikely that the infringement will cease as a result of commitments made by the trader responsible for the infringement, the competent authorities may take enforcement measures pursuant to Article 18a without establishing a common position and without inviting the trader responsible for the infringement to propose commitments.*

Or. en

Amendment 121

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. *The competent authorities concerned may designate one competent authority to take enforcement measures on behalf of the other competent*

deleted

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

Or. en

Amendment 122

Proposal for a regulation Article 18 – paragraph 4

Text proposed by the Commission

Amendment

4. *The competent authorities may decide to take enforcement measures simultaneously in all or some Member States concerned by the widespread infringement. In such a case, the competent authorities shall ensure that those enforcement measures are launched simultaneously in all Member States concerned.*

deleted

Or. en

Amendment 123

Proposal for a regulation Article 18 – paragraph 5

Text proposed by the Commission

Amendment

5. *The instruction of a designated*

deleted

body to take enforcement measures pursuant to paragraphs 1 to 4 shall only be possible if the competent authorities concerned give their consent to such instruction and where such instruction does not lead to disclosure of information which is subject to the rules on professional and commercial secrecy set out in Article 41.

Or. en

Amendment 124

Proposal for a regulation Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Enforcement measures in coordinated actions

1. The competent authorities concerned shall agree which competent authority, or, where necessary, competent authorities, is to take, on behalf of the other competent authorities, enforcement measures, including the imposition on the trader of sanctions and of an order requiring him to pay compensation to the consumers harmed by it, where:

(a) it is unlikely that the infringement will cease as a result of the commitments made by the trader responsible for the infringement;

(b) the trader responsible for the infringement does not propose commitments before the expiry of a time limit set by the competent authorities concerned;

(c) the trader responsible for the infringement proposes commitments which are insufficient to ensure the cessation of the infringement and the compensation of consumers harmed by

the infringement;

(d) the trader responsible for the infringement fails to implement the commitments before the expiry of the time limit set out in paragraph 3.

2. Once a competent authority has been designated to take enforcement measures by the other competent authorities concerned, it shall be competent to act on behalf of the consumers in each of the other Member States concerned as if they were its own consumers. When designating a competent authority to take enforcement measures, the competent authorities shall take into consideration all relevant aspects conducive to effective enforcement.

3. Where the competent authorities do not proceed in accordance with paragraph 2, they shall take enforcement measures simultaneously in several or all of the Member States concerned by the widespread infringement or the widespread infringement with a Union dimension.

4. A designated competent authority may be directed to take enforcement measures pursuant to paragraphs 1 to 3 of this Article only if the competent authorities of the Member States concerned by such measures give their consent and only if this does not lead to disclosure of information which is subject to the rules on professional and commercial secrecy set out in Article 41.

Or. en

Justification

Separated from Article 25. Where one of the authorities is designated to take enforcement measures on behalf of other competent authorities concerned, the location of the trader should not be the most prominent criterion, however other relevant aspect of the competent authority shall be taken into account, such as the resources of the competent authority, the choice of enforcement measures it is likely to use, and the potential to stop the infringement

as well as provide redress to consumers.

Amendment 125

Proposal for a regulation

Article 19 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The competent authorities concerned shall decide to close the coordinated action where they conclude that:

(a) no widespread infringement or widespread infringement with a Union dimension has occurred;

(b) following the implementation of commitments by the trader responsible for it, the widespread infringement or widespread infringement with a Union dimension has ceased;

(c) following enforcement measures, the widespread infringement or widespread infringement with a Union dimension has ceased.

Or. en

Amendment 126

Proposal for a regulation

Article 19 – paragraph 1

Text proposed by the Commission

Amendment

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

The *coordinator shall notify* the Commission, **the** competent authorities **and the single liaison offices** of the Member States concerned **without delay of the closure of the coordinated action.**

Or. en

Amendment 127

Proposal for a regulation Article 20

Text proposed by the Commission

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

Amendment

The Commission may adopt implementing acts *laying down the time limits and* the standard forms for notifications and other exchanges between competent authorities and the Commission *for coordinated actions in relation to widespread infringements and widespread infringements with a Union dimension*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. en

Amendment 128

Proposal for a regulation Chapter IV – section II

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Justification

In order to simplify the structure of the proposal and avoid duplications, the reorganisation of the provisions in Chapter IV and integration of two possible procedures (widespread infringements and widespread infringements with a Union dimension) in one overall procedure is proposed. At the same time, the concept of several types of infringements, i. e. differentiating between intra-Union infringements, widespread infringements and widespread infringements with a Union dimension remains.

Amendment 129

Proposal for a regulation Chapter IV – section III – title

Text proposed by the Commission

General provisions applicable to coordinated actions ***and to common actions under this chapter***

Amendment

General provisions applicable to coordinated actions

Or. en

Amendment 130

Proposal for a regulation

Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

1. The coordinator appointed in accordance with Articles 16, **21** or 32 shall in particular:

Amendment

1. The coordinator appointed in accordance with Articles 16 or 32 shall in particular:

Or. en

Amendment 131

Proposal for a regulation

Article 29 – paragraph 1 – point a

Text proposed by the Commission

(a) ensure that all the competent authorities concerned and the Commission are duly informed in a timely manner of the progress of the enforcement action, the anticipated next steps and the measures to be adopted;

Amendment

(a) ensure that all the competent authorities concerned and, ***where applicable***, the Commission are duly informed in a timely manner of the progress of the enforcement action, the anticipated next steps and the measures to be adopted;

Or. en

Amendment 132

Proposal for a regulation

Article 29 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 133

Proposal for a regulation
Article 29 – paragraph 1 – point c

Text proposed by the Commission

(c) coordinate the preparation and sharing of all necessary documents among the competent authorities concerned and the Commission;

Amendment

(c) coordinate the preparation and sharing of all necessary documents among the competent authorities concerned and, *where applicable*, the Commission;

Or. en

Amendment 134

Proposal for a regulation
Article 29 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 135

Proposal for a regulation

Article 29 – paragraph 1 – point f

Text proposed by the Commission

(f) coordinate other enforcement measures adopted by the competent authorities concerned, including applications to the courts for the necessary orders and decisions, the imposition of **penalties** and the adoption of measures ensuring consumer compensation;

Amendment

(f) coordinate other enforcement measures adopted by the competent authorities concerned, including applications to the courts for the necessary orders and decisions, the imposition of **sanctions** and the adoption of measures ensuring consumer compensation;

Or. en

Amendment 136

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 137

Proposal for a regulation

Article 30 – paragraph 4

Text proposed by the Commission

4. If no agreement can be reached, notifications and other communications shall be sent in the official language of the

Amendment

4. If no agreement can be reached, notifications and other communications shall be sent in the official language of the

Member State making the notification or other communication. In that case, each competent authority concerned shall ensure ***the necessary*** translations of the notifications, communications and other documents that it receives from other competent authorities.

Member State making the notification or other communication. In that case, each competent authority concerned shall ***if necessary*** ensure ***the production of*** translations of the notifications, communications and other documents that it receives from other competent authorities.

Or. en

Amendment 138

Proposal for a regulation

Article 30 – paragraph 5 – introductory part

Text proposed by the Commission

5. Where ***the*** coordinated ***or common*** actions pursuant to ***sections I and II*** ***concern*** widespread ***infringements of*** the following Union legislation the coordinator shall invite the European Banking Authority to ***take*** an observer ***role***:

Amendment

5. Where coordinated actions pursuant to ***section I concern widespread infringements or*** widespread ***infringements with a Union dimension which contravene*** the following Union legislation, the coordinator shall invite the European Banking Authority to ***act as*** an observer:

Or. en

Amendment 139

Proposal for a regulation

Article 31 – title

Text proposed by the Commission

Common position and hearing of traders

Amendment

Language arrangements for communication with traders

Or. en

Amendment 140

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 141

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

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

Amendment

2. The trader shall be entitled to communicate in the official language of the Member State of **his** establishment or residence.

Or. en

Justification

The official language of the Member State of trader's establishment or residence shall be sufficient for communication with enforcement authorities.

Amendment 142

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 143

Proposal for a regulation Article 32 – title

Text proposed by the Commission

Amendment

Concerted investigations of consumer markets

Concerted investigations of consumer markets ("*sweeps*")

Or. en

Amendment 144

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

Amendment

1. Where market trends, consumer complaints or other indications suggest that widespread infringements may have occurred, occur or may occur, the competent authorities concerned may decide to conduct *a concerted investigation of consumer markets ("sweep")*. *Such a concerted investigation shall be coordinated by the Commission.*

1. Where market trends, consumer complaints or other indications suggest that widespread infringements may have occurred, occur or may occur, the competent authorities concerned may decide to conduct *sweeps*.

Or. en

Amendment 145

Proposal for a regulation

Article 32 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Sweeps shall be coordinated by the Commission.

Or. en

Amendment 146

Proposal for a regulation

Article 32 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 147

Proposal for a regulation

Article 34 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) the nature of legal proceedings, enforcement measures or other measures taken concerning the infringement and their dates and duration;

(f) the nature **and status** of legal proceedings, enforcement measures or other measures taken concerning the infringement and their dates and duration;

Or. en

Amendment 148

Proposal for a regulation Article 34 – paragraph 3 – point g

Text proposed by the Commission

Amendment

(g) *the status of legal proceedings, enforcement measure or other measures taken concerning the infringement;*

deleted

Or. en

Amendment 149

Proposal for a regulation Article 34 – paragraph 3 – point i

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 150

Proposal for a regulation Article 34 – paragraph 4

Text proposed by the Commission

Amendment

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

4. In an alert, the competent authority or the Commission *shall ask competent authorities of other Member States* and, *as appropriate*, the Commission to verify whether similar suspected infringements *are* taking place in the territory of other Member States or whether any enforcement measures have already been taken against such infringements in other Member States. *Those competent authorities of other Member States and the Commission shall reply to the request without delay.*

Amendment 151**Proposal for a regulation
Article 34 – paragraph 6***Text proposed by the Commission*

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

Amendment

6. The Commission shall adopt implementing acts ***laying down standard forms for submitting an alert via the database referred to in Article 43***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. en

Amendment 152**Proposal for a regulation
Article 35 – paragraph 1***Text proposed by the Commission*

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

Amendment

1. Designated bodies and European Consumer Centres shall participate in the alert mechanism ***provided for*** in Article 34. Member States shall designate ***the*** consumer organisations and associations ***and*** trader associations ***possessing*** the appropriate expertise and ***having a*** legitimate interest in consumer protection that ***are to*** participate in the alert mechanism.

Or. en

*Justification**Obligation of Member States to notify the list of entities participating in alert mechanism is*

already covered by Article 7.

Amendment 153

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Consumer and business organisations at European level should be allowed to notify alerts into system.

Amendment 154

Proposal for a regulation Article 35 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The competent authorities shall not be bound to initiate a procedure or take any other action in response to the ***external*** alerts and information provided by ***the*** entities ***referred to in paragraphs 1 and 2***. Entities making external alerts shall ensure that the information provided is correct, up to date and accurate, and shall correct ***any errors in*** the information posted without delay or withdraw it as appropriate. For that purpose, they shall have access to the information they have provided, subject to the limitations referred to in Articles 41 and 43. ***They shall also be notified of any follow-up actions taken by the competent authority concerned in relation to external alerts, or of the lack of any action, giving reasons in the latter case as***

to why the alert was not acted upon.

Or. en

Justification

In order to strengthen the cooperation among the authorities and consumer associations, consumer organisation that notifies an alert shall receive a feedback, even if no action is taken by the competent authority.

Amendment 155

Proposal for a regulation Article 35 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 156

Proposal for a regulation Article 36 – paragraph 1 – introductory part

Text proposed by the Commission

1. Via the database referred to in Article 43, ***the*** competent authorities shall ***without delay*** notify the Commission and other competent authorities of any measure ***that they have*** taken to address an infringement of the laws ***which*** protect consumers' interests on their territory if

Amendment

1. Via the database referred to in Article 43, competent authorities shall notify the Commission and competent authorities ***of other Member States without delay*** of any measure taken ***by them*** to address an infringement of the ***Union*** laws ***that*** protect consumers' interests on their

they suspect that the infringement may affect consumers' interests in other Member States, *in particular*:

territory if they suspect that the infringement *in question* may affect consumers' interests in other Member States.

Or. en

Justification

Reporting obligation for Member States is set by enforcement plans in Article 45.

Amendment 157

Proposal for a regulation Article 36 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) any notice, order, decision or similar measure of a competent authority or another authority relating to the opening of national proceedings concerning an infringement or suspected infringement;

deleted

Or. en

Amendment 158

Proposal for a regulation Article 36 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) any decision of a court or other judicial authority, judicial order, injunction or other similar measure that concerns an infringement or suspected infringement;

deleted

Or. en

Amendment 159

Proposal for a regulation Article 36 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) any other information, decision, order or act of other national authorities or designated bodies, as appropriate, that may concern an infringement or suspected infringement.

deleted

Or. en

Amendment 160

Proposal for a regulation Article 36 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 161

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

Text proposed by the Commission

Amendment

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

(a) development of personnel resources of the competent authorities;

Amendment 162

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 163

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

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 164

Proposal for a regulation Article 37 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Member States *may* coordinate and jointly organise the activities *referred to* in paragraph 1.

Or. en

Amendment 165

Proposal for a regulation Article 37 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission and the Member States shall regularly share information and data concerning consumer complaints. For that purpose, the Commission shall develop and maintain a harmonised methodology for classifying and reporting consumer complaints in cooperation with Member States.*

deleted

Or. en

Amendment 166

Proposal for a regulation Article 37 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 167

Proposal for a regulation Article 39 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may, in cooperation with the Commission, carry out common activities in the areas *set out* in paragraph 1. *The Member States shall*, in

2. Member States may, in cooperation with the Commission, carry out common activities in the areas *referred to* in paragraph 1. *They may*, in cooperation

cooperation with the Commission, develop a common framework for the activities *set out* to in point (e) of paragraph 1.

with the Commission, develop a common framework for the activities *referred* to in point (e) of paragraph 1.

Or. en

Amendment 168

Proposal for a regulation Article 39 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 169

Proposal for a regulation Article 41 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 170

Proposal for a regulation Article 42 – paragraph 2

Text proposed by the Commission

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

Amendment

2. **Member States shall ensure that** evidence, documents, information, explanations and investigation findings made by a competent authority in one Member State in accordance with **Articles 8 and 9** may be used for proceedings initiated in application of this Regulation by competent authorities in other Member States without further formal requirements.

Or. en

Amendment 171

**Proposal for a regulation
Article 43 – paragraph 1**

Text proposed by the Commission

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

Amendment

1. The Commission shall establish and maintain the necessary electronic database ***for all communications between competent authorities, single liaison offices and the Commission under this Regulation.*** The database shall be made ***directly accessible for*** the competent authorities, ***single liaison offices*** and the Commission.

Or. en

Justification

Single liaison offices shall also have an access into the database.

Amendment 172

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Reflection of the text of the existing CPC Regulation 2006/2004.

Amendment 173

Proposal for a regulation

Article 43 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) a requested authority notifies the Commission pursuant to Article 12(3) that an intra-Union infringement has ceased;

(a) a requested **competent** authority notifies the Commission pursuant to Article 12(3) that an intra-Union infringement has ceased;

Or. en

Amendment 174

Proposal for a regulation

Article 43 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) the **coordinating authority** notifies the Commission pursuant to Article 19 that the **widespread infringement has ceased or has been prohibited**;

(b) the **coordinator** notifies the Commission pursuant to Article 19 that the **coordinated action is closed**;

Amendment 175

Proposal for a regulation

Article 43 – paragraph 3 – point c

Text proposed by the Commission

(c) the Commission decides pursuant to Article **26** that the **common** action concerning a widespread infringement with a Union dimension is closed but traders' commitments shall be stored for **10** years to ensure compliance with **the** laws that protect consumers' interests;

Amendment

(c) the Commission, **as coordinator**, decides pursuant to Article **19** that the **coordinated** action concerning a widespread infringement with a Union dimension is closed but **that** traders' commitments **are to** be stored for **five** years to ensure compliance with **Union** laws that protect consumers' interests;

Or. en

Amendment 176

Proposal for a regulation

Article 43 – paragraph 4

Text proposed by the Commission

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

Amendment

4. The Commission shall adopt implementing acts **laying down standard electronic forms and templates available in the database for the discussion forum through which all requests and replies as well as other documents are to be exchanged**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Or. en

Amendment 177

Proposal for a regulation

Article 45 – title

Text proposed by the Commission

Amendment

National enforcement plans and
prioritisation

Enforcement plans and prioritisation

Or. en

Amendment 178

Proposal for a regulation

Article 45 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

1. **By** [the date of entry into force of this Regulation] **and every two years thereafter**, each Member State shall submit to the Commission enforcement plans. **Those** enforcement plans shall contain:

Or. en

Justification

The aim of submission of biannual enforcement plans should be to help Member States to better prioritise, share findings about market trends and increase efficient application of the Regulation. There are several other instruments (database for exchange of information on infringements, alert mechanism) that are intended to collect relevant data. Restrictions to what should be included in the enforcement plans are proposed in order to prevent administrative burden.

Amendment 179

Proposal for a regulation

Article 45 – paragraph 1 – point a

Text proposed by the Commission

Amendment

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

(a) information concerning market trends that may affect consumers' interests;

Member States;

Or. en

Amendment 180

Proposal for a regulation Article 45 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) where applicable, a summary of the implementation of the previous biennial enforcement plan, including overview of actions under this Regulation, consumer complaints and other complaints received, surveillance and enforcement activities and important court actions, judgments and other orders or measures and reasons why the previous biennial plan may not have been fully implemented; *deleted*

Or. en

Amendment 181

Proposal for a regulation Article 45 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) information about the organisation, powers and responsibilities of the competent authorities as well as any changes or planned changes thereof; *deleted*

Or. en

Justification

Moved to Article 7.

Amendment 182

Proposal for a regulation Article 45 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 183

Proposal for a regulation Article 45 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 184

Proposal for a regulation Article 45 – paragraph 1 – point g

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 185

Proposal for a regulation Article 45 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The Commission shall make publicly available a summary of the enforcement plans.*

Or. en

Amendment 186

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

Amendment

2. In **case of** substantial change of circumstances or market conditions **during the two years after the submission of the last enforcement plan**, Member States may **submit a revised** enforcement plan.

2. In **cases involving a** substantial change of circumstances or market conditions, Member States may **provide information concerning those changes where their scope goes beyond what is covered by the** enforcement plan.

Or. en

Amendment 187

Proposal for a regulation Article 46

Text proposed by the Commission

Amendment

Article 46

deleted

Monitoring and implementation of national enforcement plans

1. *The Commission shall monitor the implementation of the national enforcement plans. The Commission may give advice concerning the implementation of national enforcement plans, establish benchmarks as regards*

resources necessary for the implementation of this Regulation and promote best practices.

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

Or. en

Amendment 188

Proposal for a regulation Article 47 – title

Text proposed by the Commission

Principles for imposing *penalties* for intra-Union *and* widespread infringements

Amendment

Principles for imposing *sanctions* for intra-Union, widespread infringements *and widespread infringements with Union dimension*

Or. en

Amendment 189

Proposal for a regulation Article 47 – paragraph 1 – introductory part

Text proposed by the Commission

1. When imposing *penalties* in the context of intra-Union infringements *and* widespread infringements, the competent authorities shall take into account *among others*:

Amendment

1. When imposing *sanctions* in the context of intra-Union infringements, widespread infringements *and widespread infringements with Union dimension*, the competent authorities shall take into account *inter alia*:

Or. en

Amendment 190

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

Member States shall communicate to the Commission without delay the text of any provisions of national law that they adopt, **or** of agreements other than **to deal** with individual cases that they conclude, on matters covered by this Regulation.

Amendment

Member States shall communicate to the Commission without delay the text of any provisions of national law that they adopt, **and** of agreements, other than **agreements dealing** with individual cases, that they conclude on matters covered by this Regulation.

Or. en

Amendment 191

Proposal for a regulation

Article 50 – paragraph 1

Text proposed by the Commission

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

Amendment

By ... [**five** years **after the date of** entry into **force of this Regulation**], the Commission shall **submit** to the European Parliament and **to** the Council **a report** on the application of this Regulation.

Or. en

Justification

Taking into consideration swift market developments, a shortened timeframe for submitting the report on the application of the proposal be more appropriate.

Amendment 192

Proposal for a regulation

Article 50 – paragraph 2

Text proposed by the Commission

The report shall contain an evaluation of

Amendment

The report shall contain an evaluation of

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

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

(a) the powers provided under Article 8;

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

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

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

Or. en

Amendment 193

Proposal for a regulation

Article 50 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

By ... [the date of entry into force of this Regulation] and every two years thereafter, the Commission shall submit to the European Parliament and to the Council a report containing an overview of the information, developments in the area of consumer law enforcement and statistics exchanged under the surveillance mechanism established pursuant to Article 33, including posted alerts and follow-up actions taken in relation to external alerts, and an overview of widespread infringements and widespread infringements with a Union dimension pursuant to Article 16.

Justification

This publicly available report shall summarize trends and developments in the area of enforcement of consumer laws and provide the Parliament with useful data for policy-making in the area of consumer protection.

Amendment 194

Proposal for a regulation
Article 51

Text proposed by the Commission

Amendment

Article 51

deleted

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

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

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

19. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market: Article 20 (OJ L 376, 27.12. 2006, p. 36).

20. Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on railway passenger rights and obligations (OJ L 315, 3.12. 2007, p. 14).

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

22. Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air

services in the Community: Articles 22, 23 and 24 (OJ L 293, 31.10.2008, p. 3).

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

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

Or. en

Justification

It does not seem to be in line with the better regulation principles to ask the Member States to equip possibly new sectorial competent authorities with a limited set of powers and cooperation mechanisms and then implement whole Regulation with many substantial changes only 18 months later.

Amendment 195

Proposal for a regulation Article 53 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 196

Proposal for a regulation Article 53 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Justification

It does not seem to be in line with the better regulation principles to ask the Member States to equip possibly new sectorial competent authorities with a limited set of powers and cooperation mechanisms and then implement whole Regulation with many substantial changes only 18 months later.

Amendment 197

Proposal for a regulation Annex – point 24 a (new)

Text proposed by the Commission

Amendment

24a. Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR): Article 14 (OJ L 165, 18.3.2013, p. 1).

Or. en

EXPLANATORY STATEMENT

Background and the Commission's proposal

In 2003 the Commission proposed for the first time a system for cross-border cooperation between the national authorities, in order to promote more effective surveillance, investigation and prosecution of cross-border infringements, thereby closing gaps exploited by rogue traders. Regulation 2006/2004 (the so-called 'CPC Regulation') was adopted by the European Parliament and the Council on 27 October 2004 and entered into force on 29 December 2006.

Ten years after, the Commission submits a proposal to revise the CPC Regulation, to improve the effectiveness of the rules and procedures relevant to this cooperation, in particular with the aim to better addressing the challenges of the Digital Single Market. The proposal for a Regulation, repealing Regulation 2006/2004, forms part of the E-Commerce package adopted on 25 May 2016. The revised provisions are meant to enhance the enforcement mechanisms used by the national authorities to address unlawful practices harmful to consumers in several countries, especially as regards online breaches.

Position of the rapporteur

The Rapporteur welcomes the Commission's proposal and acknowledges that considerable progress is still to be achieved in the area of enforcement of consumer protection laws.

Because traders increasingly operate across the Single Market, EU relevant infringements should be supported by efficient mechanisms to avoid inconsistent enforcement approaches regarding the same infringement, and duplication of enforcement efforts and cost.

Therefore, the Rapporteur believes that the Commission's proposal has rightly identified the **powers needed by the enforcement authorities** in all Member States (Article 8) and considers this set of powers as a prerequisite for a proper cross-border cooperation to tackle infringements. For achieving an effective cooperation these powers should be available to enforcement authorities in all Member States.

The **limitation period to exercise certain powers** in the case of an infringement is reasonably set to 5 years, providing legal certainty and possibly having a deterrent effect (Article 5).

The Rapporteur supports the introduction of the new notions of "**widespread infringement**" and "**widespread infringement with a Union dimension**". However, the Rapporteur is of the opinion that the threshold set for the latter is too high (Article 21). Due to complexity of investigation and coordinated enforcement that is foreseen in case of widespread infringement with a Union dimension, the anticipation of the Commission as the coordinating entity is needed. The Rapporteur therefore proposes a single criterion, namely a majority of the Member States (Article 3).

The Rapporteur supports the participation of consumer organisations, for example under the **alert mechanism** provided in Article 34, because entities having a legitimate interest in consumers' protection very often become aware of infringements much earlier than the

competent authorities. In this respect, it is also necessary to ensure an appropriate functioning of the **database and of the information exchange system** provided under Article 43.

The Rapporteur believes that once the secrecy criteria have been complied with, common positions - the **outcome of the investigation and the assessment** of widespread infringements - or parts of them should be published in order to improve transparency and inform consumers about proven infringements.

The Rapporteur agrees that a substantial number of consumer laws should be added to the **list of legislation** that the Regulation covers to help enforcement bodies to tackle issues such as discrimination of consumers on grounds of residence/nationality of recipient and all cross-border infringements in general.

The submission of biannual **enforcement plans** by each Member State (Article 45) is accepted by the Rapporteur as means for the Member States to better prioritise and increase efficient application. However, the Rapporteur would propose to limit the set obligations to what is necessary, while respecting subsidiarity.

The Rapporteur proposes the Commission to submit every two years a report containing an overview of the information exchanged under the cooperation mechanism set by this Regulation, including alerts notified by both competent authorities and external entities. This publicly available report shall summarize trends and developments in the area of enforcement of consumer laws.

In addition, the Rapporteur believes that the proposal can benefit from a number of improvements and has sought with her amendments to address the following:

- To provide for a clear **set of definitions**, including “widespread infringement with a Union dimension”, “competent authority”, “single liaison office”, “sweep”, whereas definitions codified in the existing consumer acquis can be maintained (consumer, trader);
- To **extend the sweeps** to the offline sector because consumer protection should be enforced regardless of the medium (infringements occurring online or offline);
- To tackle the **numerous empowerments to the Commission** which are laid down in the proposal in an insufficiently and unclear manner. Amongst others, the Rapporteur wishes to lay down in the basic act a 14 days time-limit for replying to requests (Article 11) and asks the Commission to set reasonable time limits for the exchange of information and enforcement requests for coordinated actions, by means of implementing measures;
- To simplify the **structure** of the proposal’s text, especially of Chapter IV, amongst other in order to avoid unnecessary repetition. On the substance, to clarify procedures for cooperation, whilst respecting legal traditions with regard to enforcement of the law;
- To clarify the **role of the Commission**, especially under Chapter III on the mutual assistance mechanism and under Chapter IV on widespread infringements and widespread infringements with a Union dimension;

- To **clarify the procedure of opening coordinated actions** and designation of a coordinator when a suspicion of a widespread infringement is notified;
- To address the **coordination role of the single liaison office**, that should be entrusted in each Member State to an authority that has sufficient powers and resources to undertake this key role;
- To remove the **location of the trader** as the most important criterion for designating the competent authority taking the enforcement measures (Article 25 as amended in Article 18a).

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report, until the adoption thereof in committee:

Entity and/or person
BEUC, The European Consumer Organisation
BUSINESSEUROPE
CENTR, Council of European National Top-Level Domain Registries
Česká obchodní inspekce (Czech Trade Inspection Authority)
Czech Telecommunications Office
CDE, Confederation of Danish Enterprise
ECC France, European Consumer Centre France
EUROCOMMERCE
ECTAA, The European Travel Agents and Tour Operators
EUROISPA, The European Internet Service Providers Association
Prof. Dr. Evelyne Terryn, professor of consumer law and commercial law, KU Leuven, Belgium
FEDMA, Federation of European Direct and Interactive Marketing
GOOGLE
HDE, Handelsverband Deutschland (German Retail Federation)
Ministry of Economic Affairs of Portugal, Directorate-General for Consumers
Ministry of Trade and Industry of the Czech Republic
Permanent Representation of the Republic of Bulgaria to the EU
UK Government
WKO, Wirtschaftskammer Österreich (Austrian Federal Economic Chamber)
ZAW, Zentralverband der deutschen Werbewirtschaft (German Advertising Federation)