<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(31a) The Commission should analyse concentrations notified or referred to it under Council Regulation (EC) No 139/2004 from the perspective of discouraging so-called ‘killer acquisitions’ which prevent the emergence of potential challengers to gatekeepers, even if at the time of the acquisition the acquired company is not a significant player. The Commission should consider proposing a revision of that Regulation in order both to enlarge its scope in the digital sector and to adjust the criteria against which acquisitions by gatekeepers are appraised.</td>
<td></td>
</tr>
</tbody>
</table>

Or. en
8.12.2021  A9-0332/235

Amendment 235
Irene Tinagli
on behalf of the Committee on Economic and Monetary Affairs

Report  A9-0332/2021
Andreas Schwab
Digital Markets Act
(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))

Proposal for a regulation
Article 5 – paragraph 1 – point g a(new)

Text proposed by the Commission

Amendment

(ga) from the moment of end users’ first use of any pre-installed core platform service on an operating system, prompt end-users to change the default settings for that core platform service to another option from among a list of the main third-party services available, and allow and technically enable end users to un-install pre-installed software applications on a core platform service at any stage without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

Or. en
8.12.2021

Amendment 236
Irene Tinagli
on behalf of the Committee on Economic and Monetary Affairs

Report
Andreas Schwab
Digital Markets Act
(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The **notification** pursuant to paragraph 1 shall at least describe for the acquisition targets their EEA and worldwide annual turnover, for any **relevant core platform** services their respective EEA annual turnover, their number of yearly active business users and the number of monthly active end users, as well as the rationale of the intended concentration.

Amendment

2. The **information delivered** pursuant to paragraph 1 shall **explicitly explain that the intended concentration would not endanger the contestability of the relevant markets but promote competition and innovation and** at least describe for the acquisition targets their EEA and worldwide annual turnover, for any services their respective EEA annual turnover, their number of yearly active business users and the number of monthly active end users, **the categories of personal data they process**, as well as the rationale of the intended concentration, **and its potential impact on the rights and interests of business users and end users.**

In addition to the information specified in the first subparagraph, the gatekeeper shall provide to the Commission:

- **(a)** a study undertaken by an independent ISO 17020 certified auditor to confirm the correctness of the provided documentation to substantiate that the intended concentration would not hamper competition and innovation; and
- **(b)** an opinion on the relevance of datasets for the intended concentration requested from the European Data Protection Board (EDPB).
8.12.2021  A9-0332/237

Amendment 237  
Irene Tinagli  
on behalf of the Committee on Economic and Monetary Affairs

Report  
Andreas Schwab  
Digital Markets Act  
(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))

Proposal for a regulation  
Article 32 a (new)

Text proposed by the Commission  
Amendment

Article 32a  
Cooperation with national competition authorities

1. The Commission shall apply the provisions of this Regulation in close cooperation with national competition authorities, acting within the European Competition Network as defined in point (5) of Article 2 of Directive (EU)2019/1 of the European Parliament and of the Council, in accordance with the provisions of this Article. It shall, in particular and as appropriate, make use of the European Competition Network System referred to in Article 33 of that Directive for the exchange of information, in particular as regards concentrations as referred to in Article 12 of this Regulation, decisions relating to the opening of a market investigation pursuant to Article 14 of this Regulation or proceedings pursuant to Article 18 of this Regulation.

2. At the request of the Commission, national competition authorities shall cooperate in the application of Articles 12, 15, 16 and 17.

3. Where requested by the Commission to assist in any investigation pursuant to paragraph 2 of this Article,
the national competition authorities shall have the power to apply, mutatis mutandis, the powers of the Commission set out in Articles 19, 20 and 21.

4. The national competition authorities shall have the power to exercise the powers conferred on the Commission by Article 24.

5. When requesting a national competition authority to cooperate in accordance with paragraph 2, the Commission shall transmit, to that competition authority, copies of the most important documents it has collected with a view to applying Articles 15, 16 and 17. At the request of the national competition authority, the Commission shall provide it with a copy of other existing documents necessary for the assessment of the case. When deciding on whether to request a competition authority to cooperate, the Commission may take into account the importance of the national market for the respective gatekeeper.

6. When acting in accordance with paragraph 3, the national competition authority shall inform the Commission in writing before and without delay after commencing the first formal investigative measure. This information may also be made available to the national competition authorities of other Member States.

7. The national competition authority shall make available to the Commission any information it receives in the exercise of powers as set out in paragraph 3. The information supplied to the Commission may be made available to the national competition authorities of other Member States. National competition authorities may also exchange information necessary for the assessment of a case that they are dealing with under this Regulation.

8. National competition authorities of the Member States may consult the Commission on any case involving the
application of Union law.
8.12.2021

Amendment 238
Irene Tinagli
on behalf of the Committee on Economic and Monetary Affairs

Report
Andreas Schwab
Digital Markets Act
(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))

Proposal for a regulation
Article 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall report on the implementation of this Regulation in its annual report on Competition Policy.

Or. en