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A9-0246/ 001-294

AMENDMENTS 001-294

by the Committee on the Internal Market and Consumer Protection

Report

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A9-0246/2023

Single market emergency instrument

Proposal for a regulation (COM(2022)0459 – C9-0315/2022 – 2022/0278(COD))

Amendment 1

Proposal for a regulation

Title

Text proposed by the Commission

Amendment

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing a *Single* Market emergency
instrument and repealing Council
Regulation *No* (EC) 2679/98

(Text with EEA relevance)

Proposal for a
REGULATION OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
establishing a *framework of measures on
emergency and resilience of the internal
market (Internal market emergency and
resilience act) and amending* Council
Regulation (EC) *No* 2679/98

(Text with EEA relevance)

Amendment 2

Proposal for a regulation

Recital 1

Text proposed by the Commission

Amendment

(1) Past crises, especially the early days
of the COVID-19 pandemic, have shown

(1) Past crises, especially the early days
of the COVID-19 pandemic, have shown

that the internal market (*also referred to as the Single Market*) and its supply chains can be severely affected *by such crises*, and appropriate crisis management tools and coordination mechanisms are either lacking, do not cover all aspects of the *Single* market or do not allow for a timely response to such *impacts*.

that the internal market and its supply chains can be severely affected, and appropriate crisis management tools and coordination mechanisms are either lacking, do not cover all aspects of the *internal* market or do not allow for a timely *and effective* response to such *crises*.

Amendment 3

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) The Union was not sufficiently prepared to ensure efficient manufacturing, procurement and distribution of crisis-relevant non-medical goods such as personal protective equipment, especially in the early phase of the COVID-19 pandemic and the ad-hoc measures taken by the Commission in order to re-establish the functioning of the *Single* Market and to ensure the availability of crisis-relevant non-medical goods during the COVID-19 pandemic were necessarily reactive. The pandemic also revealed insufficient overview of manufacturing capacities across the Union as well as vulnerabilities related to the global supply chains.

Amendment

(2) The Union was not sufficiently prepared to ensure efficient manufacturing, procurement and distribution of crisis-relevant non-medical goods such as personal protective equipment, especially in the early phase of the COVID-19 pandemic and the ad-hoc measures taken by the Commission in order to re-establish the functioning of the *internal* market and to ensure the availability of crisis-relevant non-medical goods during the COVID-19 pandemic were necessarily reactive. The pandemic also revealed insufficient overview of manufacturing capacities across the Union as well as vulnerabilities related to the global supply chains.

Amendment 4

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) During the COVID-19 pandemic, uncoordinated measures restricting the free movement of persons had a particular impact on critical sectors, particularly those that rely on mobile workers, including frontier and cross-border workers, who played an essential

role in keeping the Union economy going during that time.

Amendment 5

Proposal for a regulation

Recital 3

Text proposed by the Commission

(3) Actions by the Commission were delayed by several weeks due to the lack of any Union wide contingency planning measures and *of clarity* as to which *part of the national administration* to contact to find rapid solutions to the impact on the *Single Market being cause* by the crisis. In addition it became clear that uncoordinated restrictive actions taken by the Member States would further aggravate the impacts of the crisis on the *Single* market. It emerged that there is a need for arrangements between the Member States and Union authorities as regards contingency planning, technical level coordination and cooperation and information exchange.

Amendment

(3) Actions by the Commission were delayed by several weeks due to the lack of any Union wide contingency planning measures and *of clarity* as to which national *authority* to contact to find rapid solutions to the impact on the *internal* market *caused* by the crisis. In addition, it became clear that uncoordinated restrictive actions taken by the Member States would further aggravate the impacts of the crisis on the *internal* market. It emerged that there is a need for arrangements between the Member States and Union authorities as regards contingency planning, technical level coordination and cooperation and information exchange. *Additionally, it became evident that the lack of effective coordination between Member States exacerbated the shortages of goods and created more obstacles to the free movement of services and persons.*

Amendment 6

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) *Representative organisations of economic operators have suggested that economic operators did not have sufficient information on the crisis response measures of the Member States during the pandemics, partly due to not knowing where to obtain such information, partly due to language*

Amendment

(4) *Yet, despite the initial lack of coordination, the internal market rules played a key role in mitigating the negative impact of the crisis and in ensuring a swift recovery of the economy of the Union, namely by precluding unjustified and disproportionate national restrictions contained in the unilateral*

constraints and the administrative burden implied in making repeated inquiries in all the Member States, especially in a constantly changing regulatory environment. This prevented them from making informed business decisions as to what extent they may rely on their free movement rights or continue cross-border business operations during the crisis. It is necessary to improve the availability of information on national and Union level crisis response measures

responses by the Member States and by providing a strong incentive to find common solutions, thus promoting solidarity.

Amendment 7

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) These recent events have also highlighted the need for the Union to be better prepared for possible future crises, *especially as we consider* the continuing effects of climate change and resulting natural disasters as well as global economic and geopolitical instabilities. Given the fact that it is not known which kind of crises could *come up next and produce* severe *impacts* on the *Single Market* and its supply chains *in the future*, it is necessary to provide for an instrument that would apply *with regards to impacts on the Single Market* of a wide range of crises.

Amendment

(5) These recent events have also highlighted the need for the Union to be better prepared for possible future crises, *in particular considering* the continuing effects of climate change and resulting natural disasters as well as global economic and geopolitical instabilities. Given the fact that it is not known which kind of *future* crises could *occur and have a* severe *impact* on the *internal* market and its supply chains, it is necessary to provide for an instrument that would apply *in the event of the occurrence* of a wide range of crises *that have an impact on the internal market and have a cross border effect.*

Amendment 8

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) The impact of a crisis on the *Single Market can be two-fold. On the one hand, a crisis* can lead to obstacles to free movement within the *Single Market*, thus

Amendment

(6) The impact of a crisis on the *internal* market can lead to obstacles to free movement within the *internal* market, thus disrupting its normal functioning. A crisis

disrupting its normal functioning. *On the other hand*, a crisis can *amplify* shortages of crisis-relevant goods and services on the *Single* Market. *The* Regulation should address *both types of impacts* on the *Single* Market.

can *exacerbate* shortages of crisis-relevant goods and services on the *internal* market. *This* Regulation should address *the detrimental impact* on the *free movement of goods, services or persons in the internal* market.

Amendment 9

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) Since any specific aspects of future crises that would impact the *Single* Market and its supply chains are hard to predict, this Regulation should provide for a general framework for anticipating, preparing for, mitigating and minimising the negative impacts which any crisis may cause on the *Single* Market and its supply chains. .

Amendment

(7) Since any specific aspects of future crises that would impact the *internal* market and its supply chains are hard to predict, this Regulation should provide for a general framework for anticipating, preparing for, mitigating and minimising the negative impacts which any crisis may cause on the *internal* market and its supply chains *and for strengthening their resilience*.

Amendment 10

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) The *framework of* measures set out *under* this Regulation should be deployed in a coherent, transparent, efficient, proportionate and timely manner, having due regard to the need to maintain vital societal functions, *meaning* including public security, safety, public order, or public health respecting, the responsibility of the Member States to safeguard national security and their power to safeguard other essential state functions, including ensuring the territorial integrity of the State and maintaining law and order.

Amendment

(8) The measures set out *in* this Regulation should be deployed in a coherent, transparent, efficient, proportionate and timely manner, having due regard to the need to maintain vital societal functions, including public security, safety, public order, or public health, respecting the responsibility of the Member States to safeguard national security and their power to safeguard other essential state functions, including ensuring the territorial integrity of the state and maintaining law and order. *This Regulation should therefore be without prejudice to matters related to national*

security and defence.

Amendment 11

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) To this end, this Regulation provides:

— *the necessary means to ensure the continued functioning of the Single Market, the businesses that operate on the Single Market and its strategic supply chains, including the free circulation of goods, services and persons in times of crisis and the availability of crisis relevant goods and services to citizens, businesses and public authorities at the time of crisis;*

— *a forum for adequate coordination, cooperation and exchange of information; and*

— *the means for the timely accessibility and availability of the information which is needed for a targeted response and adequate market behaviour by businesses and citizens during a crisis.*

Amendment 12

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Where possible, this Regulation should allow for anticipation of events and crises, building on on-going analysis

Amendment

(9) To this end, this Regulation provides *the necessary means to ensure the continued functioning of the internal market, the free circulation of goods, services and persons, including workers, and the availability of crisis-relevant goods and services to citizens, businesses and public authorities in times of crisis.*

deleted

concerning strategically important areas of the Single Market economy and the Union's continuous foresight work.

Amendment 13

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) This Regulation should not duplicate the existing framework for medicinal products, medical devices or other medical counter-measures under the EU Health Security Framework, including Regulation (EU) .../... *on serious cross-border health threats [SCBTH Regulation (COM/2020/727)], Council Regulation (EU) .../... on a framework of measures for ensuring the supply of crisis-relevant medical counter-measures [Emergency Framework Regulation (COM/2021/577)], Regulation (EU) .../... on the extended mandate of the ECDC [ECDC Regulation (COM/2020/726)] and Regulation (EU) 2022/123 on the extended mandate of the EMA [EMA Regulation].* Therefore, medicinal products, medical devices or other medical counter-measures, *when they have been placed on the list referred to in Article 6(1) of the Emergency Framework Regulation*, shall be excluded from the scope of this Regulation, except in relation to the provisions relating to free movement during *the Single* Market emergency, and in particular those designed to re-establish and facilitate free movement as well as the notification mechanism.

Amendment 14

Proposal for a regulation Recital 12

Amendment

(11) This Regulation should not duplicate the existing framework for medicinal products, medical devices or other medical counter-measures under the EU Health Security Framework, including Regulation (EU) **2022/123** and Regulation (EU) **2022/2371**. Therefore, medicinal products, medical devices or other medical counter-measures, *falling under their remit*, shall be excluded from the scope of this Regulation, except in relation to the provisions relating to free movement during *an internal* market emergency, and in particular those designed to re-establish and facilitate free movement as well as the notification mechanism.

Text proposed by the Commission

(12) This Regulation should complement the Integrated Political Crisis Response ***mechanism*** operated by the Council under Council Implementing Decision (EU) 2018/1993 as regards its work on ***Single*** Market impacts of cross-sectoral crises that require political decision-making.

Amendment

(12) This Regulation should complement the Integrated Political Crisis Response ***arrangements*** operated by the Council under Council Implementing Decision (EU) 2018/1993 as regards its work on ***internal*** market impacts of cross-sectoral crises that require political decision-making.

Amendment 15

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) In order to account for the exceptional nature of and potential far-reaching consequences for the fundamental operation of the Single Market of a Single Market emergency, implementing powers should exceptionally be conferred on the Council for the activation of Single Market emergency mode pursuant to Article 281(2) of the Treaty on the Functioning of the European Union.

Amendment

(16) This Regulation should be without prejudice to labour law or working conditions, including health and safety at work, and to collective bargaining rights and the autonomy of the social partners.

Amendment 16

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) Article 21 TFEU lays down the right of EU citizens to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and the measures adopted to give them effect. The detailed conditions and limitations are laid down in Directive 2004/38/EC. This Directive sets out the general principles

Amendment

(17) Where the activities to be carried out pursuant to this Regulation involve the processing of personal data, such processing should comply with the relevant Union legislation on personal data protection, namely Regulation (EU) 2016/679 of the European Parliament and of the Council^{1a} and Regulation (EU) 2018/1725 of the European Parliament

applicable to these limitations and the grounds that may be used to justify such measures. These grounds are public policy, public security or public health. In this context, restrictions to freedom of movement can be justified if they are proportionate and non-discriminatory. This Regulation is not intended to provide for additional grounds for the limitation of the right to free movement of persons beyond those provided for in Chapter VI of Directive 2004/38/EC.

and of the Council^{1b}.

^{1a} Regulation (EU) 2016/769 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

^{1b} Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Amendment 17

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) *As regards the measures for re-establishing and facilitating free movement of persons and any other measures affecting the free movement of persons provided under this Regulation, they are based on Article 21 TFEU and complement Directive 2004/38/EC without affecting its application at the time of*

Amendment

(18) *This Regulation lays down rights and obligations for economic operators, in particular natural or legal persons, including any temporary association of undertakings, which offer products or services of critical importance on the market. Furthermore, it defines critically important areas which are of systemic and*

Single Market emergencies. Such measures should not result in authorising or justifying restrictions to free movement contrary to the Treaties or other provisions of Union law.

vital importance for the functioning of the internal market, in particular areas related to the cross-border free movement of goods, services or persons, for example in the areas of food, transport, maintenance, health, or information technologies.

Amendment 18

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Article 45 TFEU lays down the right to free movement of workers, subject to the limitations and conditions laid down in the Treaties and the measures adopted to give them effect. This Regulation contains provisions which complement the existing measures in order to reinforce free movement of persons, increase transparency and provide administrative assistance during Single Market emergencies. Such measures include setting up and making available of the single points of contact to workers and their representatives in the Member States and at Union level during the Single Market vigilance and emergency modes under this regulation.

Amendment

(19) In order to ensure the smooth functioning of the internal market, this Regulation should set up an Internal Market Emergency and Resilience Board ('the Board') to advise the Commission on the appropriate measures for anticipating, preventing or responding to the impact of a crisis. The European Parliament should be able to appoint an expert as a member of the Board. The Commission should invite representatives of other crisis-relevant bodies at Union level as observers to the relevant meetings of the Board, including, where appropriate, representatives of Committee of the Regions and of the European Economic and Social Committee. The Commission should ensure that the European Parliament receives all documents at the same time as Member States' representatives. The European Parliament should also systematically have access to the meetings of the Board to which Member States' experts are invited. The participation of representatives of EFTA States as observers should be ensured in accordance with the Agreement on the European Economic Area, as well as with the bilateral agreements between the Union and the Swiss Confederation. The Board should in particular assist and advise the Commission regarding

measures that have an impact on the free movement of goods, services and persons, including workers, with a special focus on mobile workers, including frontier and cross-border workers.

Amendment 19

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) If Member States adopt measures affecting free movement of goods or persons, goods or the freedom to provide services in preparation for and during Single Market emergencies, they should limit such measures to what is necessary and remove them as soon as the situation allows it. Such measures should respect the principles of proportionality and non-discrimination and should take into consideration the particular situation of border regions.

Amendment

(20) It is essential to guarantee greater transparency and accountability, particularly in times of crises, in line with the values on which the Union is based. The European Parliament plays a key role in ensuring democratic accountability. This Regulation should therefore lay down rules to enhance the emergency and resilience dialogue between the Commission, the European Parliament and the Council.

Amendment 20

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) The activation of the Single Market emergency mode should trigger an obligation for the Member States to notify crisis-relevant free movement restrictions.

Amendment

(21) To ensure effective coordination and information exchange in cases of emergency, this Regulation lays down an obligation for Member States to designate central liaison offices, responsible for contact with the Union level central liaison office designated by the Commission and with the central liaison offices of other Member States.

Amendment 21

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) *When examining the compatibility of any notified draft or adopted measures with the principle of proportionality, the Commission should pay due regard to the evolving crisis situation and often limited information that is at the disposal of the Member States when they seek to reduce the emerging risks in the context of the crisis. Where justified and necessary in the circumstances, the Commission may consider based on any available information, including specialised or scientific information, the merits of Member State arguments relying on the precautionary principle as a reason for adoption of free movement of persons restrictions. It is the task of the Commission to ensure that such measures comply with Union law and do not create unjustified obstacles to the functioning of the Single Market. The Commission should react to the notifications of Member States as quickly as possible, taking into account the circumstances of the particular crisis, and at the latest within the time-limits set out by this Regulation.*

Amendment 22

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) In order to *ensure that the specific Single Market emergency measures provided for in this Regulation are used only where this is indispensable for responding to a particular Single Market emergency, such measures should require individual activation by means of Commission implementing acts, which*

Amendment

(22) *Resilience is key to ensuring that the internal market delivers on one of its ultimate goal of supporting the Union's economy. This Regulation should allow for anticipation of events and crises, building on ongoing analysis concerning critically important areas of the internal market economy and the Union's continuous foresight work. In order to ensure the crisis-preparedness of all actors, it is necessary to set out rules on stress tests to be conducted at least every two years, and on trainings and crisis protocols involving not only relevant national authorities, but also stakeholders such as businesses, social partners and experts. It is also essential to lay down rules on strategic reserves of goods of critical importance, in order to ensure a proper exchange of information and provide support to Member States in order to assist them in coordinating and streamlining their efforts.*

Amendment

(23) In order to *determine critical sectors, a methodology should be established taking into account specific criteria, namely the trade flows, demand and supply, concentration of supply, Union and global production and production capacities at different stages of the value chain and the interdependencies between*

indicate the reasons for such activation and the crisis-relevant goods or services that such measures apply to.

economic operators.

Amendment 23

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) *Furthermore, in order to ensure the proportionality of the implementing acts and due respect for the role of economic operators in crisis management, the Commission should only resort to the activation of the Single Market emergency mode, where economic operators are not able to provide a solution on a voluntary basis within a reasonable time. Why this is the case should be indicated in each such act, and in relation to all particular aspects of a crisis.*

Amendment

(24) *It is important to identify and monitor the supply chains of goods, services of critical importance during the vigilance mode, as well as the free movement of categories of workers of critical importance, preceding an internal market emergency. In order to account for the activation of the vigilance mode and the potential consequences for the proper functioning of the internal market that it triggers, implementing powers should be conferred on the Commission for the activation of that mode pursuant to Article 291(2) of the Treaty on the Functioning of the European Union. The vigilance mode should be activated for a maximum duration of six months with the possibility of an extension of the same duration, taking into due consideration the opinion provided by the Board. The Commission should present a report to the European Parliament and the Council of its findings concerning the monitoring, carried out during the vigilance mode, of the supply chains of goods, services of critical importance, the free movement of categories of workers of critical importance and the inventory of the most relevant economic operators.*

Amendment 24

Proposal for a regulation

Recital 25

Text proposed by the Commission

Amendment

(25) ***Information requests to economic operators should be used by the Commission only where the information which is necessary for responding adequately to the Single Market emergency, such as information necessary for procurement by the Commission on behalf of the Member States or estimating the production capacities of manufacturers of crisis-relevant goods the supply chains of which have been disrupted, cannot be obtained from publicly available sources or as a result of information provided voluntarily.***

(25) The Commission ***should carefully assess the severity of disruptions to the functioning of the internal market and the impact of a crisis on the basis of concrete and reliable evidence, and duly taking into account the criteria laid down in this Regulation.***

Amendment 25

Proposal for a regulation

Recital 26

Text proposed by the Commission

Amendment

(26) The activation of the ***Single Market emergency mode, where needed, should also trigger the application of certain crisis-response procedures which introduce adjustments to the rules governing the design, manufacture, conformity assessment and the placing on the market of goods subject to Union harmonised rules. These crisis-response procedures should enable products, designated as crisis-relevant goods to be placed swiftly on the market in an emergency context. The conformity assessment bodies should prioritise the conformity assessment of crisis-relevant goods over any other ongoing applications for other products. On the other hand, in cases, where there are undue delays in the conformity assessment procedures, the national competent authorities should be able to issue authorisations for products, which have not undergone the applicable conformity assessment procedures to be***

(26) ***In order to account for the exceptional nature of and potential far-reaching consequences of the activation of the internal market emergency mode, which could negatively affect the free movement of goods, services and persons, and in order to ensure appropriate public scrutiny, the internal market emergency mode should only be activated by a legislative act in the form of a decision on a proposal made by the Commission and promptly adopted jointly by the European Parliament and the Council. To address the need for quick decision-making in times of crisis, decisions to activate the internal market emergency mode could be adopted by making use of urgency procedures, as these procedures have already been successfully used in the past.***

placed on their respective market, provided that they comply with the applicable safety requirements. Such authorisations shall be only valid on the territory of the issuing Member State and limited to the duration of the Single Market emergency. In addition, in order to facilitate the increase in supply of crisis-relevant products, certain flexibilities should be introduced with respect to the mechanism of presumption of conformity. In the context of a Single Market emergency, the manufacturers of crisis-relevant goods should be able to rely also on national and international standards, which provide an equivalent level of protection to the harmonised European standards. In cases where the latter do not exist or the compliance with them is rendered excessively difficult by the disruptions to the Single Market, the Commission should be able to issue common technical specifications of voluntary or of mandatory application in order to provide ready-to-use technical solutions to the manufacturers.

Amendment 26

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) The introduction of these crisis-relevant adjustments to the relevant sectorial Union harmonised rules requires targeted adjustments to the following 19 sectorial frameworks: Directive 2000/14/EC, Directive 2006/42/EU, Directive 2010/35/EU, Directive 2013/29/EU, Directive 2014/28/EU, Directive 2014/29/EU, Directive 2014/30/EU, Directive 2014/31/EU, Directive 2014/32/EU, Directive 2014/33/EU, Directive 2014/34/EU, Directive 2014/35/EU, Directive 2014/53/EU, Directive 2014/68/EU,

Amendment

(27) The activation of the emergency procedures should be conditional upon the activation of the *internal* market emergency *mode* and should be limited to the products designated as crisis-relevant goods. *Therefore the activation of the internal market emergency mode, where necessary, should also trigger the application of certain crisis-response procedures governing the design, manufacture, conformity assessment and placing on the market of goods subject to Union harmonised rules or falling under the general safety framework rules,*

Regulation (EU) 2016/424, Regulation (EU) 2016/425, Regulation (EU) 2016/426, Regulation (EU) 2019/1009 and Regulation (EU) 305/2011. The activation of the emergency procedures should be conditional upon the activation of the **Single** Market emergency and should be limited to the products designated as crisis-relevant goods.

limited to the products designated as crisis-relevant goods.

Amendment 27

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) In cases where there are substantial risks to the functioning of the Single Market or in cases of severe shortages or an exceptionally high demand of goods of strategic importance, measures at Union level aimed to ensure the availability of crisis-relevant products, such as priority rated orders, may prove to be indispensable for the return to the normal functioning of the Single Market.

Amendment

(28) Restrictions on the free movement of goods, services and persons imposed by Member States should be prohibited, unless they are non-discriminatory, justified and proportionate. It should not be possible to suspend the fundamental freedoms laid down in the Treaty in times of crisis and Member States should not use the emergency situation as a pretext for adopting restrictions going beyond the rules of Treaty. Any response to an internal market emergency should strictly comply with such rules, as well as with the rules laid down in this Regulation. If Member States adopt measures affecting the free movement of goods or persons, or the freedom to provide services in preparation for and during internal market emergencies, they should limit such measures to what is necessary and remove them as soon as the emergency mode is deactivated or earlier, when they are no longer needed. Such measures should respect the principles of proportionality and non-discrimination and should take into consideration the particular situation of border regions.

Amendment 28

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) *In order to leverage the purchasing power and negotiating position of the Commission during the Single Market vigilance mode and the Single Market emergency mode, Member States should be able to request the Commission to procure on their behalf.*

Amendment

(29) *Representative organisations of economic operators have suggested that economic operators did not have sufficient information on the crisis response measures of the Member States during the pandemics, partly due to not knowing where to obtain such information, partly due to language constraints and the administrative burden implied in making repeated inquiries in all the Member States, especially in a constantly changing regulatory environment. This prevented them from making informed business decisions as to what extent they may rely on their free movement rights or continue cross-border business operations during the crisis. It is necessary to improve the availability of information on national and Union level crisis response measures.*

Amendment 29

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) *Where there is a severe shortage of crisis-relevant products or services on the Single market during a Single Market emergency, and it is clear that the economic operators that operate on the Single market do not produce any such goods, but would in principle be able to repurpose their production lines or would have insufficient capacity to provide the goods or services needed, the Commission should be able to recommend to the Member States as a last resort to take measures to facilitate or request the ramping up or repurposing of production capacity of manufacturers or the capacity*

Amendment

(30) *Article 21 TFEU lays down the right of Union citizens to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and the measures adopted to give them effect. The detailed conditions and limitations are laid down in Directive 2004/38/EC. That Directive sets out the general principles applicable to those limitations and the grounds that may be used to justify such measures. Those grounds are public policy, public security or public health. In this context, restrictions to the freedom of movement can be justified if*

of the service providers to provide crisis-relevant services. In doing so the Commission would inform the Member States as to the severity of the shortage and the type of the crisis-relevant goods or services that are needed and would provide support and advice in relation to the flexibilities in the EU acquis for such purposes.

they are proportionate and non-discriminatory. This Regulation is not intended to provide for additional grounds for the limitation of the right to free movement of persons beyond those provided for in Chapter VI of Directive 2004/38/EC.

Amendment 30

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) The measures *ensuring regulatory flexibility would allow the Commission to recommend that Member States accelerate the procedures for granting permits that would be necessary for enhancement of the capacity to produce crisis-relevant goods or provide crisis-relevant services.*

Amendment

(31) The measures *for facilitating the free movement of persons and any other measures affecting the free movement of persons provided under this Regulation are based on Article 21 TFEU and complement Directive 2004/38/EC, without affecting its application in the event of internal market emergencies. Such measures should not result in authorising or justifying restrictions to free movement contrary to the Treaties or other provisions of Union law.*

Amendment 31

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) *Additionally, to ensure that crisis-relevant goods are available during the Single Market emergency, the Commission may invite the economic operators that operate in crisis-relevant supply chains to prioritise the orders of inputs necessary for the production of final goods that are crisis relevant, or the orders of such final goods themselves. Should an economic operator refuse to accept and prioritise*

Amendment

(32) *Article 45 TFEU lays down the right to free movement of workers, subject to the limitations and conditions laid down in the Treaties and the measures adopted to give them effect. This Regulation contains provisions which complement the existing measures in order to facilitate the free movement of persons, increase transparency and provide administrative assistance during internal market*

such orders, following objective evidence that the availability of crisis-relevant goods is indispensable, the Commission may decide to invite the economic operators concerned to accept and prioritise certain orders, the fulfilment of which will then take precedence over any other private or public law obligations. In the event of failure to accept, the operator in question should explain its legitimate reasons for declining the request. The Commission may make such reasoned explanation or parts of it public, with due regard to business confidentiality.

Amendment 32

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) *Furthermore, to ensure availability of crisis-relevant goods during the Single Market emergency, the Commission may recommend that Member States distribute strategic reserves, having with due regard to the principles of solidarity, necessity and proportionality.*

Amendment 33

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) *Where the activities to be carried out pursuant to this Regulation involve the processing of personal data, such processing should comply with the relevant Union legislation on personal data protection, namely Regulation (EU) 2018/1725 of the European Parliament*

emergencies. Such measures include setting up the single points of contact and making them available to workers and their representatives in the Member States and at Union level during the internal market vigilance and emergency modes under this Regulation. Member States and the Commission are encouraged to use existing instruments for the set up and operation of these contact points. Such contact points should be active outside the emergency mode and should serve to help communication between the Member States and with the Board.

Amendment

(33) *In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the possibility to adopt supportive measures for facilitating the free movement of persons. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.*

Amendment

(34) *The activation of the internal market vigilance or emergency mode should trigger an obligation for the Member States to notify the Commission of the adoption of measures regarding crisis-relevant restrictions on the free movement of goods, the freedom to*

and of the Council⁴¹ and Regulation (EU) 2016/679 of the European Parliament and of the Council⁴².

provide services and the free movement of persons, including workers, accompanied by a statement justifying the introduction of such measures. The statement on the proportionality of such measures should take into account the impact of the measures, their scope and their expected duration.

⁴¹ *Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).*

⁴² *Regulation (EU) 2016/769 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).*

Amendment 34

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the possibility to adopt supportive measures for facilitating free movement of persons, for establishing a list of individual targets (quantities and deadlines) for those strategic reserves that the Member States should maintain, so that the objectives of the initiative are achieved. Furthermore, implementing

Amendment

(35) When examining the compatibility of any notified draft or adopted measures with the principle of proportionality, the Commission should pay due regard to the evolving crisis situation and often limited information that is at the disposal of the Member States when they seek to reduce the emerging risks in the context of the crisis. Where justified and necessary in the circumstances, the Commission may consider, based on any available information, including specialised or

powers should be conferred on the Commission as regards activating the vigilance mode and vigilance measures in order to carefully monitor the strategic supply chains and coordinate the building up of strategic reserves for goods and services of strategic importance. Moreover, implementing powers should be conferred on the Commission as regards activation of specific emergency response measures at the time of a Single Market emergency, to allow for a rapid and coordinated response. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

scientific information, the merits of Member State arguments. It is the task of the Commission to ensure that such measures comply with Union law and do not create unjustified obstacles to the functioning of the internal market. The Commission should react to the notifications of Member States as quickly as possible, taking into account the circumstances of the particular crisis, and at the latest within the time-limits set out in this Regulation.

Amendment 35

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the ‘Charter’). In particular, it respects the right to privacy of the economic operators enshrined in Article 7 of the Charter, right to data protection set out in Article 8 of the Charter, the freedom to conduct business and the freedom of contract, which are protected by Article 16 of the Charter, the right to property, protected by Article 17 of the Charter, right to collective bargaining and action protected by Article 26 of the Charter and the right to an effective judicial remedy and to a fair trial as provided for in Article 47 of the Charter. Since the objective of this Regulation cannot be sufficiently achieved by the Member States and can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures in

Amendment

(36) If the Commission finds that the notified measures are not in accordance with Union law, it may issue a decision requiring the Member State concerned to modify or to refrain from adopting the notified draft measure. The adoption of decisions is without prejudice to the prerogatives of the Commission as guardian of the Treaties, having the responsibility of ensuring respect for the free movement of goods, services and persons. To guarantee the effective implementation of this Regulation, the Commission should provide an effective response to breaches of Union law through infringement proceedings.

accordance with *the principle of subsidiarity as set out in Article 5* of the Treaty. *In accordance with the principle of proportionality as set out in that Article*, this Regulation *does not go beyond what is necessary in order to achieve that objective. The Regulation should not affect the autonomy of the social partners as recognised by the TFEU.*

Amendment 36

Proposal for a regulation Recital 37

Text proposed by the Commission

(37) *The Union remains fully committed to international solidarity and strongly supports the principle that any measures deemed necessary taken under this Regulation, including those necessary to prevent or relieve critical shortages, are implemented in a manner that is targeted, transparent, proportionate, temporary and consistent with WTO obligations.*

Amendment

(37) *To ensure that citizens, consumers, economic operators and workers and their representatives are provided with assistance in the event of an emergency, it is important to establish national single points of contact and a Union level single point of contact. Member States should ensure that it is possible for anyone affected by national crisis response measures to receive relevant information from the competent authorities, provided in clear, understandable and intelligible language, and in easily accessible manner for people with disabilities.*

Amendment 37

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) *The Union framework shall include interregional elements to establish coherent, multi-sectoral, cross-border Single Market vigilance and emergency response measures, in particular considering the resources, capacities and vulnerabilities across neighbouring*

Amendment

(38) *In order to ensure that the specific internal market emergency measures provided for in this Regulation are used only where this is indispensable for responding to a particular internal market emergency, such measures should require individual activation by means of Commission implementing acts, which*

regions, specifically border regions.

indicate the reasons for such activation and the crisis-relevant goods or services that such measures apply to.

Amendment 38

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) The Commission *shall also where appropriate enter into consultations or cooperation, on behalf of the Union, with relevant third countries, with particular attention paid to developing countries, with a view to seeking cooperative solutions to address supply chain disruptions, in compliance with international obligations. This shall involve, where appropriate, coordination in relevant international fora.*

Amendment

(39) *Furthermore, in order to ensure the proportionality of the implementing acts and due respect for the role of economic operators in crisis management, the Commission should only resort to the activation of the internal market emergency mode measures where economic operators are not able to provide a solution on a voluntary basis within a reasonable time. The reasons for such activation should be indicated in each act, and should take all particular aspects of a crisis into account.*

Amendment 39

Proposal for a regulation

Recital 40

Text proposed by the Commission

(40) *In order to put in place a framework of crisis protocols the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement the regulatory framework set out in this Regulation by further specifying the modalities of cooperation of the Member States and Union authorities during the Single Market vigilance and emergency modes, secure exchange of information and risk and crisis communication. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert*

Amendment

(40) *Information requests to economic operators should be used by the Commission as a last resort only where the information which is necessary for responding adequately to the internal market emergency, such as information necessary for procurement by the Commission on behalf of the Member States or estimating the production capacities of manufacturers of crisis-relevant goods whose supply chains have been disrupted, cannot be obtained from publicly available sources or as a result of information provided voluntarily any other way, in cooperation with the Board and*

level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

the Member States.

Amendment 40

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) Council Regulation (EC) 2679/98 which provides for a mechanism for bilateral discussions of obstacles to the functioning of the Single Market has been rarely used and is outdated. Its evaluation demonstrated that the solutions provided by that Regulation are not able to cater for the realities of complex crises, which are not limited to incidents happening at the borders of two neighbouring Member States. It should therefore be repealed.

Amendment

(41) Where there are substantial risks to the functioning of the internal market or where there are severe shortages or an exceptionally high demand for goods of critical importance, measures at Union level aiming to ensure the availability of crisis-relevant goods, such as priority-rated orders, may prove to be indispensable in order to return to the normal functioning of the internal market.

Amendment 41

Proposal for a regulation

Recital 41 a (new)

Text proposed by the Commission

Amendment

(41a) Where there is a severe shortage of crisis-relevant goods and services on the internal market during an internal market emergency, and it is clear that the economic operators that operate on the internal market do not produce such goods, but would in principle be able to

repurpose their production lines or would have sufficient capacity to provide the necessary goods or services, the Commission should be able to recommend to the Member States, as a last resort, to take measures to facilitate or request the ramping up or repurposing of the production capacity of manufacturers or the capacity of service providers to provide crisis-relevant services. In doing so, the Commission should inform the Member States as to the severity of the shortage and the type of the crisis-relevant goods and services that are necessary and should provide support and advice in relation to the flexibilities in the Union acquis for such purposes.

Amendment 42

Proposal for a regulation Recital 41 b (new)

Text proposed by the Commission

Amendment

(41b) The measures ensuring regulatory flexibility would allow the Commission to recommend that Member States accelerate the procedures for granting permits necessary for the enhancement of the capacity to produce crisis-relevant goods or provide crisis-relevant services.

Amendment 43

Proposal for a regulation Recital 41 c (new)

Text proposed by the Commission

Amendment

(41c) Additionally, to ensure that crisis-relevant goods are available during the internal market emergency, the Commission may invite the economic operators that operate crisis-relevant supply chains to prioritise orders for crisis-relevant goods or orders for inputs

necessary for the production of crisis-relevant goods. In the event that an economic operator refuses to accept the invitation to prioritise such orders, despite objective evidence that the availability of crisis-relevant goods is indispensable, the Commission may invite the economic operators concerned to accept and prioritise certain orders, the fulfilment of which will then take precedence over any other private or public law obligations. In the event of failure to accept, the operator in question should give legitimate reasons for declining the request.

Amendment 44

Proposal for a regulation Recital 41 d (new)

Text proposed by the Commission

Amendment

(41d) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the activation of specific emergency response measures, namely priority-rated orders, during an internal market emergency, to allow for a rapid and coordinated response. The priority-rated order should be placed at a fair and reasonable price, including, where relevant, appropriate compensation for all additional costs incurred by the economic operator, including costs arising from, for example, contracts outside of the Union or changing production lines. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment 45

Proposal for a regulation Recital 41 e (new)

Text proposed by the Commission

Amendment

(41e) Furthermore, where severe shortages of crisis-relevant goods and services affect a Member State, the Member State concerned may inform the Commission thereof and indicate the quantities needed. The Commission should transmit the information to all competent authorities and streamline the coordination of Member States' responses. To ensure availability of crisis-relevant goods during an internal market emergency, the Commission may also recommend that Member States distribute strategic reserves, having due regard to the principles of solidarity, necessity and proportionality.

Amendment 46

Proposal for a regulation Recital 41 f (new)

Text proposed by the Commission

Amendment

(41f) In order to leverage the purchasing power and negotiating position of the Commission during the internal market vigilance and emergency modes, Member States should be able to request that the Commission procures on their behalf. It is also essential to ensure that Member States coordinate their actions with the support of the Commission and the Board prior to launching procedures for the procurement of crisis-relevant goods and services. Transparency is a core principle of effective public procurement that improves competition, increases efficiency and creates a level playing field. The European Parliament should be informed about procedures concerning joint procurements under this Regulation and, upon request, be granted access to the contracts concluded as a result of those procedures, subject to the adequate

protection of commercially sensitive information, including business secrets.

Amendment 47

**Proposal for a regulation
Recital 41 g (new)**

Text proposed by the Commission

Amendment

(41g) It is necessary to lay down rules on digital tools in order to ensure preparedness when responding to possible future emergencies in a timely and efficient manner, as well as to guarantee the continued functioning of the internal market, the free circulation of goods, services and persons in times of crisis and the availability of crisis relevant goods and services to citizens, businesses and public authorities. When establishing such tools, the Commission should seek to ensure interoperability with already existing digital tools, such as the Internal Market Information System (IMI) in order to avoid duplication of requirements and any additional administrative burden. This Regulation should also set out rules for the adequate coordination, cooperation and exchange of information, and establish digital tools to guarantee the functioning of fast lanes for critical goods and services, aiming to accelerate authorisation, registration or declaration procedures. Furthermore, in order to enhance involvement of all economic actors, in particular businesses and civil society, the Commission should set up a stakeholder platform to facilitate and encourage voluntary response to internal market emergencies.

Amendment 48

**Proposal for a regulation
Recital 41 h (new)**

Text proposed by the Commission

Amendment

(41h) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the ‘Charter’). In particular, it respects the right to privacy of the economic operators enshrined in Article 7 of the Charter, the right to data protection set out in Article 8 of the Charter, the freedom to conduct business and the freedom of contract, which are protected by Article 16 of the Charter, the right to property, protected by Article 17 of the Charter, the right to collective bargaining and action, protected by Article 28 of the Charter and the right to an effective judicial remedy and to a fair trial as provided for in Article 47 of the Charter.

Amendment 49

Proposal for a regulation Recital 41 i

Text proposed by the Commission

Amendment

(41i) Since the objective of this Regulation cannot be sufficiently achieved by the Member States and can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment 50

**Proposal for a regulation
Recital 41 j (new)**

Text proposed by the Commission

Amendment

(41j) The Commission should carry out an evaluation of the effectiveness of this Regulation and submit a report to the European Parliament and the Council, including an evaluation of the work of the Board, stress tests, training and crisis protocols, the criteria for the activation of the emergency mode as well as the use of digital tools. Furthermore, reports should be submitted after the deactivation of the emergency modes. Those reports should include an evaluation of the functioning of the emergency response system and of the impact of the emergency measures on fundamental rights, such as the freedom to conduct business, the freedom to seek employment and to work, and the right to collective bargaining and action, including the right to strike. This Regulation should not be interpreted as affecting the right of collective bargaining and the right to take collective action in accordance with the Charter of Fundamental Rights of the European Union ('the Charter'), including the right of workers and employees to take collective action to defend their interests, including strike action. Furthermore, this Regulation should not affect the autonomy of the social partners as recognised by the TFEU.

Amendment 51

**Proposal for a regulation
Recital 41 k (new)**

Text proposed by the Commission

Amendment

(41k) Any actions under this Regulation should be consistent with the Union's obligations under the relevant international law. The Union remains

fully committed to international solidarity and strongly supports the principle that any measures deemed necessary taken under this Regulation, including those necessary to prevent or relieve critical shortages, are implemented in a manner that is targeted, transparent, proportionate, temporary and consistent with WTO obligations.

Amendment 52

Proposal for a regulation Recital 41 l (new)

Text proposed by the Commission

Amendment

(41l) The Union framework should include interregional elements to establish coherent, multi-sectoral, cross-border internal market vigilance and emergency response measures, in particular considering the resources, capacities and vulnerabilities across neighbouring regions, specifically border regions.

Amendment 53

Proposal for a regulation Recital 41 m (new)

Text proposed by the Commission

Amendment

(41m) In order to put in place a framework of crisis protocols, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by further specifying the modalities of cooperation of the Member States and Union authorities during the internal market vigilance and emergency modes, as well as the modalities of the secure exchange of information and of the risk and crisis communication. It is of particular importance that the Commission carry out appropriate

consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 54

Proposal for a regulation Recital 41 n (new)

Text proposed by the Commission

Amendment

(41n) Council Regulation (EC) No 2679/98 provides for a mechanism for bilateral discussions and notification of obstacles to the functioning of the internal market. In order to avoid the duplication of notification requirements in crisis situations, that Regulation should therefore be amended accordingly. Regulation (EC) No 2679/98 should not in any way affect the exercise of fundamental rights as recognised at Union level, including the right or freedom to strike or to take other action covered by the specific industrial relations systems in Member States, in accordance with national law. It should also be without prejudice to the right to negotiate, to conclude and enforce collective agreements, or to take collective action in accordance with national law.

Amendment 55

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation ***establishes*** a framework of ***measures to anticipate, prepare for and respond to impacts of crises on the Single Market, with the purpose of safeguarding*** the free movement of goods, services and persons ***and of ensuring the availability of goods and services of strategic importance and crisis-relevant goods and services in the Single Market.***

1. ***The aim of this Regulation is to contribute to the proper functioning of the internal market by setting out a framework of harmonised rules to strengthen its resilience, to effectively anticipate and prevent crises, to ensure an effective response to crises, and to facilitate*** the free movement of goods, services and persons.

Amendment 56

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

Amendment

2. ***The measures referred to in paragraph 1 include:***

- (a) an advisory group to advise the Commission on the appropriate measures for anticipating, preventing or responding to the impact of a crisis on the Single Market;***
- (b) measures for obtaining, sharing and exchanging the relevant information;***
- (c) contingency measures aiming at anticipation and planning;***
- (d) measures for addressing Single Market impacts of significant incidents that have not yet resulted in a Single Market emergency (Single Market vigilance), including a set of vigilance measures and***
- (e) measures for addressing Single Market emergencies, including a set of emergency response measures.***

deleted

Amendment 57

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall regularly exchange information on all matters falling within the scope of this Regulation among themselves and with the Commission.

deleted

Amendment 58

Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may obtain any relevant specialised and/or scientific knowledge, which is necessary for the application of this Regulation.

deleted

Amendment 59

Proposal for a regulation
Article 2 – title

Text proposed by the Commission

Amendment

Scope of application

Scope

Amendment 60

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. The measures set out in this Regulation apply in relation to significant impacts of a crisis on the functioning of the *Single Market and its supply chains*.

1. The measures set out in this Regulation apply in relation to significant impacts of a crisis on the functioning of the *internal market, without prejudice to fundamental rights, including the freedom to conduct business, as laid down in the Charter of Fundamental Rights of*

Amendment 61

Proposal for a regulation

Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) medicinal products as defined in Article 2, **paragraph 2** of Directive 2001/83/EC;

Amendment

(a) medicinal products as defined in Article 1, **point 2** of Directive 2001/83/EC **of the European Parliament and of the Council**;

Amendment 62

Proposal for a regulation

Article 2 – paragraph 2 – point c

Text proposed by the Commission

(c) other medical countermeasures as defined in Article 3, point **(8)**, of Regulation (EU) .../... **on Serious Cross-Border Threats to Health [the SCBTH Regulation]⁴⁴ and included in the list established in accordance with Article 6(1) of the proposal for] Council Regulation (EU) .../... on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures⁴⁵** ;

Amendment

(c) other medical countermeasures as defined in Article 3, point **(10)**, of Regulation (EU) **2022/2371** of the **European Parliament and of the Council** ⁴⁵;

⁴⁴ [reference to adopted Act to be inserted once available]

⁴⁵ [reference to adopted Act to be inserted once available]

⁴⁵ **Regulation (EU) 2022/2371 of the European Parliament and of the Council of 23 November 2022 on serious cross-border threats to health and repealing Decision No 1082/2013/EU (OJ L 314, 6.12.2022, p. 26).**

Amendment 63

Proposal for a regulation
Article 2 – paragraph 2 – point f

Text proposed by the Commission

(f) financial services, such as banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment funds, payment and investment advice, including the services listed in Annex I to Directive **2013/36**, as well as settlement and clearing activities and advisory, intermediation and other auxiliary financial services.

Amendment

(f) financial services, such as banking, credit, insurance and re-insurance, occupational or personal pensions, securities, investment funds, payment and investment advice, including the services listed in Annex I to Directive **2013/36/EU**, as well as settlement and clearing activities and advisory, intermediation and other auxiliary financial services.

Amendment 64

Proposal for a regulation
Article 2 – paragraph 3

Text proposed by the Commission

3. By way of derogation from paragraph 2, points (a), (b) and (c), Articles 16 to 20 and **Article 41 of this Regulation** shall apply to the products referred to in those points.

Amendment

3. By way of derogation from paragraph 2, points (a), (b) and (c), Articles 16 to 20 and **Articles 41 to 41c** shall apply to the products referred to in those points.

Amendment 65

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

Text proposed by the Commission

Amendment

3a. This Regulation is without prejudice to the Integrated Political Crisis Response arrangements set out in Council Implementing Decision (EU) 2018/1993.

Amendment 66

Proposal for a regulation
Article 2 – paragraph 5

Text proposed by the Commission

Amendment

5. This Regulation is without prejudice to Union competition rules (***Articles 101 to 109 TFEU and implementing regulations***), including antitrust, merger and State aid rules.

5. This Regulation is without prejudice to Union competition rules, including antitrust, merger and State aid rules.

Amendment 67

Proposal for a regulation

Article 2 – paragraph 6 – introductory part

Text proposed by the Commission

Amendment

6. This Regulation is without prejudice to ***the Commission***:

6. This Regulation is without prejudice to ***Union law on the protection of personal data, in particular Regulations (EU) 2016/679 and (EU) 2018/1725 and Directive 2002/58/EC.***

Amendment 68

Proposal for a regulation

Article 2 – paragraph 6 – point a

Text proposed by the Commission

Amendment

(a) entering into consultations or cooperation, on behalf of the Union, with relevant third countries, with particular attention paid to developing countries, with a view to seeking cooperative solutions to avoid supply chain disruptions, in compliance with international obligations. This may involve, where appropriate, coordination in relevant international fora; or

deleted

Amendment 69

Proposal for a regulation

Article 2 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) assessing whether it is appropriate to impose restrictions to exports of goods in line with the international rights and obligations of the Union under Regulation (EU) 2015/479 of the European Parliament and of the Council⁴⁸.

deleted

⁴⁸ OJ L 83, 27.3.2015, p. 34.

Amendment 70

Proposal for a regulation Article 2 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. This Regulation shall not in any way affect the exercise of fundamental rights as recognised by the Member States and at Union level, including the right to strike or the right to take other action covered by the specific industrial relations systems in Member States, in accordance with national law and practice. It also should not affect the right to negotiate, to conclude and enforce collective agreements, or to take collective action in accordance with national law and practice.

Amendment 71

Proposal for a regulation Article 2 – paragraph 7

Text proposed by the Commission

Amendment

7. Any actions under this Regulation shall be consistent with Union's obligations under international law

deleted

Amendment 72

Proposal for a regulation Article 2 – paragraph 8

Text proposed by the Commission

Amendment

8. *This Regulation is without prejudice to the responsibility of the Member States to safeguard national security or their power to safeguard essential state functions, including ensuring the territorial integrity of the State and maintaining law and order.*

deleted

Amendment 73

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

Text proposed by the Commission

Amendment

(1) ‘crisis’ means an exceptional ***unexpected and sudden***, natural or man-made event of extraordinary nature and scale that takes place inside or outside of the Union;

(1) ‘crisis’ means an exceptional, natural or man-made event of extraordinary nature and scale that takes place inside or outside of the Union, ***which has a detrimental impact on the free movement of goods, services or persons in the internal market;***

Amendment 74

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

Text proposed by the Commission

Amendment

(2) ‘***Single*** Market vigilance mode’ means a framework for addressing ***a*** threat of significant disruption of the supply of goods and services of ***strategic*** importance and which has the potential to escalate into ***a Single*** Market emergency within the next six months;

(2) ‘***internal*** market vigilance mode’ means a framework for addressing ***the*** threat of ***a crisis leading to a*** significant disruption of the supply of goods and services of ***critical*** importance and which has the potential to escalate into ***an internal*** market emergency within the next six months;

Amendment 75

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

Text proposed by the Commission

(3) ‘**Single** Market emergency’ means a wide-ranging impact of a crisis on the **Single** Market that severely disrupts the free movement **on the Single Market** or the functioning of the supply chains that are indispensable in the maintenance of vital societal or economic activities in the **Single** Market;

Amendment

(3) ‘**internal** market emergency **mode**’ means a **framework for addressing a significant** wide-ranging impact of a crisis on the **internal** market that severely disrupts the free movement **of goods, services or persons**, or the functioning of the supply chains that are indispensable in the maintenance of vital societal or economic activities in the **internal** market;

Amendment 76

Proposal for a regulation
Article 3 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘**strategically** important areas’ means **those** areas **with** critical importance to the Union and its Member States, **in that they** are of systemic and vital importance for public security, public safety, public order **or** public health, and the disruption, failure, loss or destruction of which would have a significant impact on the functioning of the **Single** Market;

Amendment

(4) ‘**critically** important areas’ means areas **that are of** critical importance to the Union and its Member States **and that** are of systemic and vital importance for public security, public safety, public order, public health **or the environment**, and the disruption, failure, loss or destruction of which would have a significant impact on the functioning of the **internal** market, **in particular on the free movement of goods, services or persons**;

Amendment 77

Proposal for a regulation
Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘goods **and** services **of strategic** importance’ means goods **and** services that are indispensable for ensuring the functioning of the **Single** Market in **strategically** important areas and which

Amendment

(5) ‘goods, services **and workers of critical** importance’ means goods, services **and categories of workers** that are indispensable for ensuring the functioning of the **internal** market in **critically**

cannot be substituted or diversified;

important areas and which cannot be substituted or, *where relevant*, diversified;

Amendment 78

Proposal for a regulation Article 3 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘crisis-relevant goods and services’ means goods and services that are indispensable for responding to the crisis or for addressing the impacts of the crisis on the *Single* Market during *a Single* Market emergency ;

Amendment

(6) ‘crisis-relevant goods and services’ means goods and services that are indispensable for responding to the crisis or for addressing the impacts of the crisis on the *internal* market during *an internal* market emergency;

Amendment 79

Proposal for a regulation Article 3 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘strategic reserves’ means a stock of goods of *strategic* importance for which building a reserve may be necessary to prepare for *a Single* Market emergency, *under the control of a Member State*.

Amendment

(7) ‘strategic reserves’ means a stock of goods of *critical* importance *under the control of a Member State* for which building a reserve may be necessary to prepare for *an internal* market emergency.

Amendment 80

Proposal for a regulation Article 4 – title

Text proposed by the Commission

Advisory group

Amendment

Internal Market Emergency and Resilience Board

Amendment 81

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. An **advisory group** is established.

Amendment

1. An **Internal Market Emergency and Resilience Board (the Board)** is established.

Amendment 82

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

2. The **advisory group** shall be composed of one representative from each Member State. Each Member State shall nominate a representative and an alternate representative.

Amendment

2. The **Board** shall be composed of one representative from each Member State **and one expert appointed by the European Parliament**. Each Member State shall nominate a representative and an alternate representative.

Amendment 83

Proposal for a regulation Article 4 – paragraph 3

Text proposed by the Commission

3. The Commission shall chair the **advisory group and ensure** its secretariat. The Commission may **invite a representative** of the **European Parliament, representatives of EFTA States that are contracting parties to the Agreement on the European Economic Area⁴⁹, representatives of economic operators, stakeholder organisations, social partners and experts, to attend meetings of the advisory group as observers. It shall invite the representatives of other crisis-relevant bodies at Union level as observers to the relevant meetings of the advisory group.**

Amendment

3. The Commission shall chair the **Board and provide** its secretariat. **Where appropriate**, the Commission may **establish standing or temporary sub-groups of the Board for the purpose of examining specific questions.**

⁴⁹ OJ L 1, 3.1.1994, p. 3.

Amendment 84

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

Text proposed by the Commission

Amendment

3a. The Commission shall invite representatives of other crisis-relevant bodies at Union level as observers to the relevant meetings of the Board, as well as representatives of third countries or international organisations, in accordance with bilateral or international agreements. Where relevant, the Commission shall also invite organisations representing interested parties, in particular representatives of economic operators, stakeholder organisations and social partners, to attend the meetings of the Board as observers. The Commission may also invite experts with a specific competence in a crisis-relevant subject to participate in the work of the Board on an ad hoc basis.

Amendment 85

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

Text proposed by the Commission

Amendment

3b. The Board may adopt opinions, recommendations or reports, which shall be made publicly available, without prejudice to personal data or trade secrets. The Commission shall take utmost account of opinions, recommendations or reports of the Board in a transparent manner.

Amendment 86

Proposal for a regulation Article 4 – paragraph 4 – introductory part

Text proposed by the Commission

4. For the purpose of contingency planning under Articles 6 to 8, the **advisory group** shall assist and advise the Commission as regards the following tasks:

Amendment

4. ***In order to strengthen the resilience of the internal market***, for the purpose of contingency planning under Articles 6 to 8, the **Board** shall assist and advise the Commission as regards the following tasks:

Amendment 87

Proposal for a regulation

Article 4 – paragraph 4 – point a

Text proposed by the Commission

(a) proposing arrangements for administrative cooperation between the Commission and the Member States at the time of the **Single** Market vigilance and emergency modes that would be contained in the crisis protocols;

Amendment

(a) proposing arrangements for administrative cooperation between the Commission and the Member States at the time of the **internal** market vigilance and emergency modes that would be contained in the crisis protocols ***referred to in Article 6***;

Amendment 88

Proposal for a regulation

Article 4 – paragraph 4 – point b

Text proposed by the Commission

(b) ***assessment of significant*** incidents that the Member States have alerted the Commission to.

Amendment

(b) ***assessing*** incidents that the Member States ***or other relevant stakeholders*** have alerted the Commission to ***in accordance with in Article 8 and their impact on the free movement of goods, services and persons, including workers***;

Amendment 89

Proposal for a regulation

Article 4 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) recommending Member States to build a reserve of critical goods in order to prepare for an internal market emergency, taking into account the probability and impact of shortages;

Amendment 90

Proposal for a regulation

Article 4 – paragraph 4 – point b b (new)

Text proposed by the Commission

Amendment

(bb) gathering foresight on the possibility of a crisis occurring, conducting data analysis and providing market intelligence;

Amendment 91

Proposal for a regulation

Article 4 – paragraph 4 – point b c (new)

Text proposed by the Commission

Amendment

(bc) consulting the representatives of economic operators, including SMEs, and representative organisations, as well as, where relevant, social partners, in order to collect market intelligence;

Amendment 92

Proposal for a regulation

Article 4 – paragraph 4 – point b d (new)

Text proposed by the Commission

Amendment

(bd) analysing aggregated data received by other crisis-relevant bodies at Union and international level;

Amendment 93

Proposal for a regulation Article 4 – paragraph 4 – point b e (new)

Text proposed by the Commission

Amendment

(be) maintaining a repository of national and Union crisis measures that have been used in previous crises and that have had an impact on the internal market and its supply chains;

Amendment 94

Proposal for a regulation Article 4 – paragraph 4 – point b f (new)

Text proposed by the Commission

Amendment

(bf) taking measures to strengthen the internal market's resilience in accordance with this Regulation, such as organising trainings and simulations, and identifying relevant economic operators and supply chains as part of stress tests.

Amendment 95

Proposal for a regulation Article 4 – paragraph 5 – introductory part

Text proposed by the Commission

Amendment

5. For the purpose of ***of the Single*** Market vigilance mode as referred to in Article 9, the ***advisory group*** shall assist the Commission in the following tasks:

5. For the purpose of ***the internal*** market vigilance mode as referred to in Article 9, the ***Board*** shall assist the Commission in the following tasks:

Amendment 96

Proposal for a regulation Article 4 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) establishing whether the threat referred to in Article 3(2) *is present*, and the scope of such threat;

(a) establishing whether *the criteria are present for the activation or deactivation of the vigilance mode and in particular* the threat referred to in Article 3(2), and the scope of such threat;

Amendment 97

Proposal for a regulation

Article 4 – paragraph 5 – point b

Text proposed by the Commission

Amendment

(b) gathering foresight, data analysis and market intelligence;

deleted

Amendment 98

Proposal for a regulation

Article 4 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) consulting the representatives of economic operators, including SMEs, and industry to collect market intelligence;

deleted

Amendment 99

Proposal for a regulation

Article 4 – paragraph 5 – point d

Text proposed by the Commission

Amendment

(d) analysing aggregated data received by other crisis-relevant bodies at Union and international level;

deleted

Amendment 100

Proposal for a regulation

Article 4 – paragraph 5 – point e

Text proposed by the Commission

(e) facilitating exchanges and sharing of information, including with other relevant bodies and other crisis-relevant bodies at Union level, as well *asthird* countries, as appropriate, with particular attention paid to developing countries, and international organisations;

Amendment

(e) facilitating exchanges and sharing of information, including with other relevant bodies and other crisis-relevant bodies at Union level, as well *as third* countries, as appropriate, with particular attention paid to developing countries, and international organisations;

Amendment 101

Proposal for a regulation

Article 4 – paragraph 5 – point f

Text proposed by the Commission

(f) maintaining a repository of national and Union crisis measures that have been used in previous crises that have had an impact on the Single Market and its supply chains

Amendment

deleted

Amendment 102

Proposal for a regulation

Article 4 – paragraph 6 – introductory part

Text proposed by the Commission

6. For the purposes of the *Single* Market emergency mode as referred to in Article 14, the *advisory group* shall assist the Commission in the following tasks:

Amendment

6. For the purposes of the *internal* market emergency mode as referred to in Article 14, the *Board* shall assist the Commission in the following tasks:

Amendment 103

Proposal for a regulation

Article 4 – paragraph 6 – point b

Text proposed by the Commission

(b) establishing whether the criteria for activation or deactivation of the emergency

Amendment

(b) establishing whether the criteria for activation or deactivation of the emergency mode have been fulfilled, *based on*

mode have been fulfilled;

sufficient and reliable evidence;

Amendment 104

Proposal for a regulation

Article 4 – paragraph 6 – point c

Text proposed by the Commission

(c) advising on the implementation of the measures chosen to respond to **Single** Market emergency at Union level;

Amendment

(c) advising on the implementation of the measures chosen to respond to **the internal** market emergency at Union level;

Amendment 105

Proposal for a regulation

Article 4 – paragraph 6 – point e

Text proposed by the Commission

(e) facilitating exchanges and sharing of information, including with other crisis-relevant bodies at Union level, as well as, as appropriate, third countries, with particular attention paid to developing countries, and international organisations.

Amendment

(e) facilitating exchanges and sharing of information, including with other crisis-relevant bodies at Union level, as well as, as appropriate, third countries, with particular attention paid to **EFTA members, candidate countries and** developing countries, and international organisations.

Amendment 106

Proposal for a regulation

Article 4 – paragraph 7

Text proposed by the Commission

7. The Commission shall ensure the participation of all bodies at Union level that are relevant to the respective crisis. The **advisory group** shall cooperate and coordinate closely, where appropriate, with other relevant crisis-related bodies at Union level. The Commission shall ensure coordination with the measures implemented through other Union mechanisms, such as the Union Civil

Amendment

7. The Commission shall ensure the participation **of the European Parliament and** of all bodies at Union level that are relevant to the respective crisis. The **Commission shall, in particular, ensure equal access to all information, so that the European Parliament and Council receive all documents at the same time. The Board** shall cooperate and coordinate closely, where appropriate, with other

Protection Mechanism (UCPM) *or* the EU Health Security Framework. **The advisory group** shall ensure information exchange with the Emergency Response Coordination Centre under the UCPM.

relevant crisis-related bodies at Union level. The Commission shall ensure coordination with the measures implemented through other Union mechanisms, such as the Union Civil Protection Mechanism (UCPM), the EU Health Security Framework, *or the mechanism under the Chips Act*. **The Board** shall ensure information exchange with the Emergency Response Coordination Centre under the UCPM.

Amendment 107

Proposal for a regulation Article 4 – paragraph 8

Text proposed by the Commission

8. The **advisory group** shall meet at least three times a year. At its first meeting, **on a proposal by and in agreement with the Commission, the advisory group** shall adopt its rules of procedure.

Amendment

8. The **Board** shall meet at least three times a year. At its first meeting, **the Board** shall adopt its rules of procedure.

Amendment 108

Proposal for a regulation Article 4 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The Board shall, in cooperation with the Commission, adopt annually its activity report and transmit it to the European Parliament and the Council.

Amendment 109

Proposal for a regulation Article 4 – paragraph 9

Text proposed by the Commission

Amendment

9. **The advisory group may adopt opinions, recommendations or reports in**

deleted

the context of its tasks set out in paragraphs 4 to 6.

Amendment 110

Proposal for a regulation
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Emergency and Resilience Dialogue

1. In order to enhance dialogue between the Union institutions, in particular the European Parliament, the Council and the Commission, and to ensure greater transparency and accountability, the European Parliament may invite its appointed expert and the Commission to discuss the following:

- (a) opinions, recommendations and reports adopted by the Board;***
- (b) the outcome of the stress tests;***
- (c) the activation of the vigilance mode, its extension and deactivation, and any measures adopted pursuant to Part III;***
- (d) the activation of the emergency mode, its extension and deactivation and any measures adopted pursuant Part IV;***
- (e) any measures restricting the free movement of goods, services and workers;***

2. The European Parliament may invite Member States' representatives to participate in the dialogue referred to in paragraph 1.

Amendment 111

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall designate central liaison offices responsible for contacts, coordination and information exchange with the central liaison offices of other Member States and Union level central liaison office under this Regulation. Such liaison offices shall coordinate and compile the inputs from relevant national competent authorities.

Amendment

1. Member States shall designate central liaison offices responsible for contacts, coordination and information exchange with the central liaison offices of other Member States and **the** Union level central liaison office under this Regulation. Such liaison offices shall coordinate and compile the inputs from relevant national competent authorities, **including, where relevant, at regional and local level. Such liaison offices shall also transmit all crisis-relevant information to the national single points of contact referred to in Article 21, in real time where possible.**

Amendment 112

**Proposal for a regulation
Article 5 – paragraph 2**

Text proposed by the Commission

2. The Commission shall designate a Union level central liaison office for contacts with the central liaison offices of the Member States during the **Single** Market vigilance and emergency modes under this Regulation. The Union level central liaison office shall ensure the coordination and information exchange with the central liaison offices of the Member States for the management of the **Single** Market vigilance and emergency modes.

Amendment

2. The Commission shall designate a Union level central liaison office for contacts with the central liaison offices of the Member States during the **internal** market vigilance and emergency modes under this Regulation, **and where applicable with other bodies at Union level that are relevant to the respective crisis.** The Union level central liaison office shall ensure the coordination and information exchange with the central liaison offices of the Member States for the management of the **internal** market vigilance and emergency modes, **including as regards crisis relevant information, to be made publicly available pursuant to Article 41.**

Amendment 113

**Proposal for a regulation
Article 6 – paragraph 1 – introductory part**

Text proposed by the Commission

1. The Commission taking **into** consideration the opinion of the **advisory group** and the input of relevant Union level bodies, **is empowered** after consulting the Member States, to adopt a delegated act to supplement this Regulation with a framework setting out crisis protocols regarding crisis cooperation, exchange of information and crisis communication for the **Single** Market vigilance and emergency modes, in particular:

Amendment 114

Proposal for a regulation
Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) cooperation between national and Union level competent authorities for the management of the **Single** Market vigilance and emergency modes **in vigilance and emergency modes across the sectors of the Single Market**;

Amendment 115

Proposal for a regulation
Article 6 – paragraph 1 – point c

Text proposed by the Commission

(c) a coordinated approach to **risk and** crisis communication also vis-à-vis the public with a coordinating role for the Commission;

Amendment 116

Amendment

1. The Commission, taking **due** consideration **of** the opinion of the **Board** and the input of relevant Union level bodies, after consulting the Member States, **is empowered** to adopt a delegated act to supplement this Regulation with a **general** framework setting out crisis protocols regarding crisis **preparedness**, cooperation, exchange of information and crisis communication for the **internal** market vigilance and emergency modes, **and** in particular **regarding the following**:

Amendment

(a) cooperation between national **competent authorities, including those at local and regional level**, and Union level competent authorities for the management of the **internal** market vigilance and emergency modes;

Amendment

(c) a coordinated approach to crisis communication also vis-à-vis the public **and relevant stakeholders, including economic operators**, with a coordinating role for the Commission.

Proposal for a regulation
Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *the management of the framework.* **deleted**

Amendment 117

Proposal for a regulation
Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) an inventory of **relevant** national competent authorities, the central liaison offices designated in accordance with Article 5 and single points of contact referred to in Article 21, their contact details, assigned roles and responsibilities during the vigilance and emergency modes **of this Regulation under** national law;

(a) an inventory of national competent authorities, the central liaison offices designated in accordance with Article 5 and **the** single points of contact referred to in Article 21, their contact details, assigned roles and responsibilities during the vigilance and emergency modes **under** this Regulation, **in accordance with** national law;

Amendment 118

Proposal for a regulation
Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) consultation of the representatives of economic operators **and social partners**, including SMEs, on their initiatives and actions to mitigate and respond to potential **supply chain disruptions and overcome potential shortages of goods and services in the Single** Market;

(b) consultation of the representatives of economic operators, including SMEs, on their initiatives and actions to mitigate and respond to potential **internal** market **emergencies**;

Amendment 119

Proposal for a regulation
Article 6 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) consultation of social partners on the implications on the free movement of workers in the areas of critical importance;

Amendment 120

Proposal for a regulation

Article 6 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) technical level cooperation in the vigilance and emergency modes across the sectors of the ***Single*** Market;

(c) technical level cooperation in the vigilance and emergency modes across the sectors of the ***internal*** market;

Amendment 121

Proposal for a regulation

Article 6 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) risk and emergency communication, with a coordinating role for the Commission, ***adequately*** taking into account already existing structures;

(d) risk and emergency communication, with a coordinating role for the Commission, taking into account already existing structures;

Amendment 122

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission, taking into account the opinion of the Board, may initiate, encourage and facilitate the drawing up of voluntary crisis protocols by economic operators in order to address internal market emergencies, strictly limited to extraordinary circumstances. The Commission may, where necessary

and appropriate, also involve civil society organisations or other relevant organisations in drawing up the voluntary crisis protocols. The voluntary crisis protocols shall set out:

(a) the specific parameters of the disruption that the voluntary crisis protocol seeks to address and the objectives it pursues;

(b) the role of each participant, the preparatory measures they are to put in place and their role once the crisis protocol has been activated;

(c) the procedure for determining when how the crisis protocol will operate;

(d) actions to mitigate and respond to potential internal market emergencies, strictly limited to what is necessary for addressing them;

(e) safeguards to address any negative effects on the free movement of goods, services and workers.

Amendment 123

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

3. In order to ensure the operation of the framework referred to in paragraph 1, the Commission may conduct stress tests, simulations and in-action and after-action reviews with Member States, and propose the relevant Union-level bodies and the Member States to update the framework as necessary.

Amendment

deleted

Amendment 124

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

The Commission shall organise **the training** on crisis coordination, cooperation and information exchange referred to in Article 6 for the staff of the designated central liaison offices. It shall organise simulations involving the staff of the central liaison offices **from all Member States based on potential scenarios of Single Market emergencies**.

Amendment

1. The Commission shall **develop and regularly** organise **training** on crisis **preparation**, coordination, cooperation, **communication** and information exchange **as** referred to in Article 6 for the staff of the designated central liaison offices **and economic operators**. It shall organise simulations involving the staff of the central liaison offices **as well as other relevant actors, including economic operators, or bodies involved in the prevention of, preparedness for and response to internal** market emergencies.

Amendment 125

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

Text proposed by the Commission

Amendment

1a. **In particular, the Commission shall develop and manage a training programme derived from lessons learnt from previous crises, including aspects of the entire emergency management cycle, in order to provide a rapid response to crises. That programme shall include:**

- (a) monitoring, analysing and evaluating all the relevant actions to facilitate the free movement of goods, services and persons;**
- (b) promoting the implementation of best practices at national and Union level, and, where appropriate, best practices, developed by third countries and international organisations;**
- (c) developing guidance on knowledge dissemination and the implementation of different tasks at national and, where relevant, regional and local level;**
- (d) encouraging the introduction and use of relevant new technologies and**

digital tools for the purpose of responding to internal market emergencies.

Amendment 126

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

Text proposed by the Commission

Amendment

1b. At the request of a Member State facing a disruption, the Commission may deploy an expert team on site to provide advice on preparedness and response measures, taking particular account of the needs and interests of that Member State.

Amendment 127

Proposal for a regulation Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Stress tests

1. In order to ensure the free movement and the availability of goods and services of critical importance and to anticipate, and prepare for disruptions to the internal market, the Commission, taking into consideration the opinion of the Board, shall conduct and coordinate stress tests, including simulations and peer reviews, in particular for critical sectors identified by the Commission.

In particular, the Commission shall invite staff from the central liaison offices of all Member States to participate in simulations and shall:

(a) develop scenarios and parameters that capture the specific risks associated with internal market emergencies and that aim to identify vulnerabilities in critically

important areas, as well as to assess the potential impact on the free movement of goods, services and persons;

(b) identify relevant economic operators and representative organisations, as well as other relevant actors or bodies involved in the prevention of, preparedness for and response to emergencies and invite them to participate on a voluntary basis;

(c) facilitate peer reviews and encourage the development of strategies for emergency preparedness;

(d) identify, in cooperation with all actors involved, risk mitigation measures after the completion of the stress tests.

2. The Commission shall conduct stress tests regularly and at least once every two years, covering comprehensive Union-wide stress tests or specific geographical areas or border regions.

3. The Commission shall communicate the results of the stress tests to the Board and publish a report thereon.

Amendment 128

Proposal for a regulation

Article 7 b (new)

Text proposed by the Commission

Amendment

Article 7b

Mapping of critical sectors

1. The Commission taking into due consideration the opinion of the Board and the input of relevant Union level bodies, and after consulting the Member States, is empowered to adopt a delegated act to supplement this Regulation by laying down a methodology for a mapping exercise for determining critical sectors.

2. For the purpose of the methodology referred to in paragraph 1, the Commission shall take into account the

following:

- (a) trade flows;*
- (b) demand and supply;*
- (c) concentration of supply;*
- (d) Union and global production and production capacities at different stages of the value chain.*
- (e) interdependencies among economic operators, both with operators operating within and outside the internal market.*

3. The Commission using the methodology referred to in paragraph 1 and taking into consideration the opinion of the board, shall regularly conduct its mapping exercise to identify critical sectors. Those mapping exercises shall be based solely on publicly or commercially available data and relevant non-confidential information from undertakings.

4. The Commission shall publish the results of this mapping exercise.

Amendment 129

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. The central liaison office of a Member State shall notify the Commission and the central liaison offices of other Member States *without undue delay* of any *incidents that significantly disrupt or have the potential to significantly disrupt the functioning of the Single Market and its supply chains (significant incidents)*.

Amendment

1. The central liaison office of a Member State shall *immediately* notify the Commission and the central liaison offices of other Member States of any *incident that is likely to lead to an internal market emergency*.

Amendment 130

Proposal for a regulation Article 8 – paragraph 2

Text proposed by the Commission

2. The central liaison offices and any relevant national competent authorities shall, in accordance with Union law and national legislation that complies with Union law, treat the information referred to in paragraph 1 in a way that respects its confidentiality, protects the security and public order of the **European** Union or its Member States, and protects the security and commercial interests of the economic operators concerned.

Amendment

2. The central liaison offices and any relevant national competent authorities shall, in accordance with Union law and national legislation that complies with Union law, **adopt all measures necessary to** treat the information referred to in paragraph 1 in a way that respects its confidentiality, protects the security and public order of the Union or its Member States, and protects the security and commercial interests of the economic operators concerned.

Amendment 131

Proposal for a regulation

Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. In order to determine whether the **disruption or potential disruption of the functioning of the Single Market and its supply chains of goods and services is significant and** should be the object of an alert, the central liaison office of a Member State shall take the following into account:

Amendment

3. In order to determine whether the **incidents referred to in paragraph 1** should be the object of an alert, the central liaison office of a Member State shall take the following into account:

Amendment 132

Proposal for a regulation

Article 8 – paragraph 3 – point a

Text proposed by the Commission

(a) the number of economic operators affected **by the disruption or potential disruption**;

Amendment

(a) the number of economic operators affected **across the Union**;

Amendment 133

Proposal for a regulation

Article 8 – paragraph 3 – point b

Text proposed by the Commission

(b) the duration or anticipated duration of ***a disruption or potential disruption***;

Amendment

(b) the duration or anticipated duration of ***the incidents***;

Amendment 134

Proposal for a regulation Article 8 – paragraph 3 – point c

Text proposed by the Commission

(c) the geographical area; the proportion of the ***Single*** Market affected ***by the disruption or potential disruption***; the impact on ***specific geographical areas*** particularly vulnerable or exposed ***to supply chain disruptions including the EU*** outermost regions;

Amendment

(c) the geographical area; the proportion of the ***internal*** market affected ***and its cross-border effects***; the impact on particularly vulnerable or exposed ***geographical areas such as the*** outermost regions;

Amendment 135

Proposal for a regulation Article 8 – paragraph 3 – point d

Text proposed by the Commission

(d) the effect of ***the disruption or potential disruption*** on non-diversifiable and non-substitutable inputs.

Amendment

(d) the effect of ***those incidents*** on non-diversifiable and non-substitutable inputs.

Amendment 136

Proposal for a regulation Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8a

Strategic reserves

1. Member States shall make best efforts to build up strategic reserves of goods of critical importance. The Commission shall provide support to

Member States in order to assist them in coordinating and streamlining their efforts. In particular, the Commission shall ensure coordination and information exchange, and shall promote solidarity between national competent authorities in relation to shortages of crisis-relevant goods or services, or building strategic reserves for goods of critical importance. Capacities which are part of the rescEU reserve in accordance with Article 12 of Decision No 1313/2013/EU shall be excluded from the application of this Article.

2. The exchange of information and best practices referred to in paragraph 1 may cover in particular:

(a) the probability and the potential impact of the shortages referred to in paragraph 1;

(b) the level of existing stocks of the economic operators and strategic reserves across the Union, and any information regarding the ongoing activities of economic operators to increase their stocks;

(c) the cost of building and maintaining such strategic reserves;

(d) the options for alternative supply and the potential for alternative supply;

(e) further information that could ensure the availability of such goods and services.

Such information and best practices shall be exchanged through a secure channel of communication.

Amendment 137

Proposal for a regulation Part III – title

Text proposed by the Commission

Amendment

Single Market Vigilance

Internal market vigilance ***mode***

Amendment 138

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where the Commission, taking into consideration the opinion provided by the **advisory group**, considers that the **threat referred to** in Article 3(2) **is present**, it shall activate the vigilance mode for a maximum duration of six months by means of an implementing act. Such an implementing act shall contain the following:

Amendment

1. Where the Commission, taking into **due** consideration the opinion provided by the **Board, as well as the criteria set out in Article 8(3)**, considers that the **conditions laid down** in Article 3(2) **are fulfilled**, it shall activate the vigilance mode for a maximum duration of six months by means of an implementing act. **Where the consideration of the Commission diverges from the opinion of the Board, the Commission shall provide a substantiated justification.** Such an implementing act shall contain the following:

Amendment 139

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

(a) an assessment of the potential impact of the crisis;

Amendment

(a) an assessment of the potential impact of the **expected** crisis, **including the specific situation of border regions and outermost regions**;

Amendment 140

Proposal for a regulation

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) list of the goods **and** services **of strategic** importance concerned, and

Amendment

(b) **a** list of the goods, services **and categories of workers of critical** importance concerned, and

Amendment 141

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

Text proposed by the Commission

(c) the vigilance measures to be taken.

Amendment

(c) the vigilance measures to be taken, ***including a justification regarding the necessity and proportionality of such measures.***

Amendment 142

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. The Commission, if it considers that the reasons for activating the vigilance mode pursuant to Article 9(1) remain valid, and taking into consideration the opinion provided by the ***advisory group***, may extend the vigilance mode for a maximum duration of six months by means of an implementing act.

Amendment

1. The Commission, if it considers that the reasons for activating the vigilance mode pursuant to Article 9(1) remain valid, and taking into ***due*** consideration the opinion provided by the ***Board***, may extend the vigilance mode for a maximum duration of six months by means of an implementing act. ***Where the Board has concrete and reliable evidence that the vigilance mode should be deactivated, it may adopt an opinion to that effect, and communicate it to the Commission.***

Amendment 143

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. Where the Commission, taking into consideration the opinion provided by the ***advisory group***, finds that the ***threat referred to*** in Article 3(2) ***is*** no longer ***present***, with respect to some or all vigilance measures or for some or all of the goods ***and*** services, it shall deactivate the vigilance mode in full or in part by means

Amendment

2. Where the Commission, taking into ***due*** consideration the opinion provided by the ***Board***, finds that the ***conditions laid down*** in Article 3(2) ***are*** no longer ***fulfilled*** with respect to some or all vigilance measures or for some or all of the goods, services ***and categories of workers***, it shall deactivate the vigilance mode in full or in

of an implementing act.

part by means of an implementing act.

Amendment 144

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. When the vigilance mode has been activated in accordance with Article 9, national competent authorities shall monitor the supply chains of goods and services of **strategic** importance that have been identified in the implementing act activating the vigilance mode.

Amendment

1. When the vigilance mode has been activated in accordance with Article 9, national competent authorities shall monitor the supply chains of goods and services of **critical importance and the free movement of categories of workers of critical** importance that have been identified in the implementing act activating the vigilance mode.

Amendment 145

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. The Commission shall provide for standardised and secure means for the collection and processing of information for the purpose of paragraph 1, using electronic means. Without prejudice to national legislation requiring collected information including business secrets to be kept confidential, confidentiality with regard to the commercially sensitive **information and** information affecting the security and public order of the Union or its Member States shall be ensured.

Amendment

2. The Commission shall provide for standardised and secure means for the collection and processing of information for the purpose of paragraph 1, using electronic means. Without prejudice to national legislation requiring collected information including business secrets to be kept confidential, confidentiality with regard to the commercially sensitive **information and** information affecting the security and public order of the Union or its Member States shall be ensured.

Amendment 146

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. Member States shall set up and maintain an inventory of the most relevant economic operators established on their respective national territory that operate along the supply chains of goods and services **of strategic** importance that have been identified in the implementing act activating the vigilance mode.

Amendment

3. Member States shall, **where possible**, set up, **update** and maintain an inventory of the most relevant economic operators established on their respective national territory that operate along the supply chains of goods and services **as well as categories of workers of critical** importance that have been identified in the implementing act activating the vigilance mode. **The contents of the inventory shall be confidential at all times.**

Amendment 147

Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

4. On the basis of the inventory set up pursuant to **Article 6**, national competent authorities shall address requests for voluntary provision of information to the most relevant operators along the supply chains of goods and services identified in the implementing act adopted pursuant to Article 9 **and other relevant stakeholders** established in their respective national territory. Such requests shall in particular states which information about factors impacting the availability of the identified goods and services of **strategic** importance is requested. Each economic **operator/stakeholder** that voluntarily provides information shall do so on an individual basis in line with the Union rules on competition governing the exchange of information. The national competent authorities shall transmit the relevant findings to the Commission and the **advisory group** without undue delay via the respective central liaison office.

Amendment

4. On the basis of the inventory set up pursuant to **paragraph 3**, national competent authorities shall, **where necessary**, address requests for voluntary provision of information to the most relevant operators along the supply chains of goods and services **of critical importance as** identified in the implementing act adopted pursuant to Article 9 established in their respective national territory. Such requests shall in particular states which information about factors impacting the availability of the identified goods and services of **critical** importance is requested. Each economic **operator** that voluntarily provides information shall do so on an individual basis in line with the Union rules on competition governing the exchange of information. The national competent authorities shall transmit the relevant findings to the Commission and the **Board** without undue delay via the respective central liaison office.

Amendment 148

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. National competent authorities shall have due regard to the administrative burden on economic operators and in particular SMEs, which may be associated with requests for information and ensure *it* is kept to a minimum.

Amendment

5. National competent authorities shall have due regard to the administrative burden on economic operators and in particular SMEs, which may be associated with requests for information, and ensure *that such administrative burden* is kept to a minimum *and that the confidentiality of the information is respected*.

Amendment 149

Proposal for a regulation Article 11 – paragraph 6

Text proposed by the Commission

6. The Commission may ask the *advisory group* to discuss the findings and prospects of evolution based on the monitoring of supply chains of goods and services of *strategic* importance.

Amendment

6. The Commission may ask the *Board* to discuss the findings and prospects of evolution based on the monitoring of supply chains of goods and services of *critical* importance.

Amendment 150

Proposal for a regulation Article 11 – paragraph 7

Text proposed by the Commission

7. On the basis of the information collected through the activities carried out in accordance with paragraph 1, the Commission *may provide* a report of the aggregated findings.

Amendment

7. On the basis of the information collected through the activities carried out in accordance with paragraph 1, the Commission *shall present* a report *to the European Parliament and the Council* of the aggregated findings.

Amendment 151

Proposal for a regulation
Article 11 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission may require, by means of implementing acts, that the Member States provide the following information on the goods of critical importance listed in an implementing act adopted pursuant to Article 9(1):

(a) the levels of strategic reserves in their territory;

(b) any potential for further purchase.

Amendment 152

Proposal for a regulation
Article 11 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. Before adopting the implementing act, the Commission shall:

(a) demonstrate it has no other access to such information and justify its need; and

(b) request the opinion of the Board.

Where the consideration of the Commission diverges from the opinion of the Board, the Commission shall also provide a substantiated justification.

Amendment 153

Proposal for a regulation
Article 11 – paragraph 7 c (new)

Text proposed by the Commission

Amendment

7c. The implementing act shall specify the goods for which information is to be given.

Amendment 154

Proposal for a regulation Article 11 – paragraph 7 d (new)

Text proposed by the Commission

Amendment

7d. The request for information cannot exceed a period of six months and cannot be renewed.

Amendment 155

Proposal for a regulation Article 12

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 156

Proposal for a regulation Part IV – title

Text proposed by the Commission

Amendment

Single Market Emergency

Internal market emergency

Amendment 157

Proposal for a regulation Article 13 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. When assessing the severity of a disruption for the purposes of ascertaining whether the impact of a crisis on the **Single** Market qualifies as **a Single** Market emergency, the Commission shall, based on concrete and reliable evidence, **taking** into account at least the following indicators:

1. When assessing the severity of a disruption for the purposes of ascertaining whether the impact of a crisis on the **internal** market qualifies as **an internal** market emergency, the Commission shall, based on concrete and reliable evidence, **take** into account at least the following indicators:

Amendment 158

Proposal for a regulation Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) the crisis has **caused** activation of **any** relevant Council crisis response mechanism, Union Civil Protection Mechanism or the mechanisms set up within the EU Health Security Framework, including **[the proposal for] Regulation (EU) .../... on serious cross-border health threats and [the proposal for] Council Regulation (EU) .../... on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures;**

Amendment

(a) the crisis has **triggered the** activation of **a** relevant Council crisis response mechanism, **including the Integrated Political Crisis Response, the** Union Civil Protection Mechanism or **any of** the mechanisms set up within the EU Health Security Framework, including **the emergency framework under** Regulation (EU) 2022/2372;

Amendment 159

Proposal for a regulation Article 13 – paragraph 1 – point b

Text proposed by the Commission

(b) an estimation of the number of economic operations or users relying on the disrupted sector or sectors of the **Single** Market for the provision of the goods or services concerned;

Amendment

(b) an estimation of the number **or market share and market demand** of economic operations or users relying on the disrupted sector or sectors of the **internal** market for the provision of the goods or services concerned;

Amendment 160

Proposal for a regulation Article 13 – paragraph 1 – point c

Text proposed by the Commission

(c) the importance of the goods **or** services concerned for other sectors;

Amendment

(c) the **critical** importance of the goods, services **or workers** concerned for other sectors;

Amendment 161

Proposal for a regulation
Article 13 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the estimated shortage of goods and services in the internal market;

Amendment 162

Proposal for a regulation
Article 13 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the **impacts** in terms of degree and duration on economic and societal activities, the environment and public safety;

(d) the **actual or potential impact of the crisis** in terms of degree and duration on economic and **vital** societal activities, the environment and public safety;

Amendment 163

Proposal for a regulation
Article 13 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) the economic operators affected have not been able to provide a solution in a reasonable time to the particular aspects of the crisis on a voluntary basis.

(e) **the fact that** the economic operators affected **by the disruption** have not been able to provide a solution in a reasonable time to the particular aspects of the crisis on a voluntary basis;

Amendment 164

Proposal for a regulation
Article 13 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) the geographic area that is and could be affected, including any cross-border impacts on the functioning of supply chains that are indispensable in the maintenance of vital societal or economic

(g) the geographic area, **including border regions and outermost regions**, that is and could be affected **by the disruption**, including any cross-border impacts on the functioning of supply chains that are indispensable in the

activities in the *Single* Market;

maintenance of vital societal or economic activities in the *internal* market;

Amendment 165

Proposal for a regulation Article 13 – paragraph 1 – point i

Text proposed by the Commission

(i) the absence of substitute goods, inputs or services.

Amendment

(i) the absence *or shortages* of substitute *for crisis-relevant* goods, inputs or services;

Amendment 166

Proposal for a regulation Article 13 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) the introduction of travel restrictions or border controls.

Amendment 167

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. The *Single* Market Emergency mode may be activated without the *Single* Market vigilance mode having previously been activated with regard to the same goods or services. Where the vigilance mode has previously been activated, the emergency mode may replace it partially or entirely.

1. The *internal* market emergency mode may be activated without the *internal* market vigilance mode having previously been activated with regard to the same goods or services. Where the vigilance mode has previously been activated, the emergency mode may replace it partially or entirely.

Amendment 168

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. Where the Commission, taking into consideration the opinion *provided by the advisory group*, considers there is *a Single Market* emergency, it shall *propose to the Council* to activate the *Single Market* emergency mode.

Amendment

2. Where the Commission, taking into *due* consideration the opinion *of the Board*, considers *that* there is *an internal market* emergency, it shall *adopt a legislative proposal* to activate the *internal market* emergency mode.

Amendment 169

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. The *Council may activate the Single Market* emergency mode by means of a *Council implementing act*. The duration of the activation, *shall* be specified in *the implementing act*, and shall be a maximum of six months.

Amendment

3. The *internal market* emergency mode *may be activated* by means of a *legislative act adopted on the basis of the legislative proposal referred to in paragraph 2*. The duration of the activation *shall* be specified in *that legislative act*, and shall be *restricted to* a maximum of six months.

Amendment 170

Proposal for a regulation
Article 14 – paragraph 4

Text proposed by the Commission

4. The activation of the *Single Market* emergency mode regarding certain goods and services does not prevent the activation or continued application of the vigilance mode and deployment of the measures laid down in *Articles 11 and 12* regarding the same goods and services.

Amendment

4. The activation of the *internal market* emergency mode regarding certain goods and services does not prevent the activation or continued application of the vigilance mode and deployment of the measures laid down in *Article 8a* regarding the same goods and services.

Amendment 171

Proposal for a regulation
Article 14 – paragraph 5

Text proposed by the Commission

5. *As soon as the Single* Market emergency mode *is activated*, the Commission shall, *without delay, adopt* a list of crisis-relevant goods and services by means of an implementing act. *The* list may be amended by means of implementing acts.

Amendment

5. *When proposing the activation of the internal* market emergency mode, the Commission shall *present* a list of crisis-relevant goods and services. *As soon as the internal market emergency mode is activated by means of the legislative act referred to in paragraph 3, the Commission shall, without delay, adopt such a list* by means of an implementing act. *That* list may be amended by means of implementing acts.

Amendment 172

**Proposal for a regulation
Article 14 – paragraph 6**

Text proposed by the Commission

6. The *Commission* implementing act referred to in paragraph 5 shall be adopted in accordance with the examination procedure referred to in Article 42(2). On duly justified imperative grounds of urgency relating to the impacts of the crisis on the *Single* Market, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(3).

Amendment

6. The implementing act referred to in paragraph 5 shall be adopted in accordance with the examination procedure referred to in Article 42(2). On duly justified imperative grounds of urgency relating to the impacts of the crisis on the *internal* market, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(3).

Amendment 173

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

Text proposed by the Commission

1. Where the Commission considers, taking into consideration the opinion provided by the *advisory group*, that an extension of the *Single* Market emergency mode is necessary, it shall propose to the Council to extend the *Single* Market emergency mode. Subject to urgent and

Amendment

1. Where the Commission considers, taking into *due* consideration the opinion provided by the *Board and based on the grounds referred to in Article 14(2)*, that an extension of the *internal* market emergency mode is necessary, it shall propose to the *European Parliament and*

exceptional changes in circumstances, the Commission shall endeavour to do so no later than 30 days before the expiry of the period for which the **Single Market** emergency mode has been activated. **The Council may extend the Single Market** emergency mode **by no more than six months at a time** by means of an **implementing act**.

the Council to extend the **internal** market emergency mode. Subject to urgent and exceptional changes in circumstances, the Commission shall endeavour to do so no later than 30 days before the expiry of the period for which the **internal** market emergency mode has been activated.

The internal market emergency mode **may be extended** by means of a **legislative act on the basis of the legislative proposal referred to in the first subparagraph. The duration of the extension shall be specified in that legislative act, and shall be restricted to a maximum of six months.**

Amendment 174

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

2. Where the **advisory group** has concrete and reliable evidence that the **Single Market** emergency should be deactivated, it may formulate an opinion to that effect and transmit it to the Commission. Where the Commission, taking into consideration the opinion provided by the **advisory group**, considers **a Single Market** emergency no longer exists, it shall propose to the Council without delay the deactivation of the **Single Market** emergency mode.

Amendment

2. Where the **Board** has concrete and reliable evidence that the **internal market** emergency **mode** should be deactivated, it may formulate an opinion to that effect and transmit it to the Commission. Where the Commission, taking into consideration the opinion provided by the **Board**, considers **that the internal** market emergency no longer exists, it shall propose to the **European Parliament and the** Council, without delay, the deactivation of the **internal** market emergency mode.

Amendment 175

Proposal for a regulation Article 15 – paragraph 3

Text proposed by the Commission

3. The measures taken in accordance with Articles 24 to 33 **and pursuant to the**

Amendment

3. The measures taken in accordance with Articles 24 to 33 shall cease to apply

emergency procedures introduced in the respective Union legal frameworks by means of the amendments to sectorial product legislation set out in Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/424, Regulation (EU) 2016/425, Regulation (EU) 2016/426, Regulation (EU) 2019/1009 and Regulation (EU) No 305/2011 and introducing emergency procedures for the conformity assessment, adoption of common specifications and market surveillance in the context of a Single Market emergency and Directive of the European Parliament and of the Council amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2013/29/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, and 2014/68/EU and introducing as regard emergency procedures for the conformity assessment, adoption of common specifications and market surveillance in the context of due to a Single Market shall cease to apply upon deactivation of the duration of the Single Market emergency mode. The Commission shall submit to the Council an assessment on the effectiveness of the measures taken in addressing the Single Market emergency no later than three months after the expiry of the measures, on the basis of the information gathered via the monitoring mechanism foreseen by Article 11.

upon deactivation of the *internal* market emergency mode. The Commission shall submit to *the European Parliament and* the Council an assessment on the effectiveness of the measures taken in addressing the *internal* market emergency no later than three months after the expiry of the measures, on the basis of the information gathered via the monitoring mechanism *set out in* Article 11.

Amendment 176

Proposal for a regulation Part IV – Title II – title

Text proposed by the Commission

Free movement during the *Single* Market emergency

Amendment

Free movement during the *internal* market emergency

Amendment 177

Proposal for a regulation
Part IV – Title II – Chapter I – title

Text proposed by the Commission

Measures *for re-establishing and*
facilitating free movement

Amendment

Measures facilitating free movement

Amendment 178

Proposal for a regulation
Article 16 – title

Text proposed by the Commission

General requirements for measures
restricting free movement to address a
Single Market emergency

Amendment

Prohibited restrictions to free movement
during an internal market emergency

Amendment 179

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. *When adopting and applying*
national measures in response to a Single
Market emergency and the underlying
crisis, Member States shall ensure that
their actions fully comply with the Treaty
and Union law and, in particular, with the
requirements laid down in this Article.

Amendment

1. *Restrictions on the free movement*
of goods, services and persons imposed by
Member States in response to an internal
market emergency shall be prohibited,
unless they are justified on grounds of
legitimate public interest objectives, such
as public policy, public security or public
health, and are in compliance with the
principles of non-discrimination and
proportionality.

Amendment 180

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. Any restriction shall be limited in

Amendment

2. Any *such* restriction shall be limited

time and removed as soon as the *situation allows it. Additionally, any restriction should take into account the situation of border regions.*

in time and *immediately* removed as soon as the *internal market emergency mode is deactivated or earlier, in the event that the restriction is no longer justified or proportionate.*

Amendment 181

Proposal for a regulation Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *Any restriction should take into account the situation of border regions and outermost regions, especially for cross-border workers.*

Amendment 182

Proposal for a regulation Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. Any requirement imposed on citizens and *businesses* shall not create an undue or unnecessary administrative burden.

3. Any requirement imposed on citizens and *economic operators* shall not create an undue or unnecessary administrative burden. *Member States shall take every available measure to limit and reduce any administrative burden.*

Amendment 183

Proposal for a regulation Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *Member States shall not adopt any of the following:*

(a) restrictions on the intra-Union export of goods or provision or receipt of services, or measures having equivalent effect;

(b) discrimination between Member States or between citizens, including in their role as service providers or workers, based directly or indirectly on nationality or, in the case of companies, the location of the registered office, central administration or principal place of business; or

(c) restrictions on the free movement of persons or travel restrictions on persons involved in the production, maintenance or transportation of crisis-relevant goods that are listed in an implementing act adopted pursuant to Article 14(5) and their parts or restrictions on persons involved in the provision of crisis-relevant services that are listed in an implementing act adopted pursuant to Article 14(5), or other measures having equivalent effect, that:

(i) cause shortages of necessary workforce on the internal market and thus disrupt supply chains of crisis-relevant goods and services or create or increase shortages of such goods and services in the internal market; or

(ii) are directly or indirectly discriminatory based on nationality or the place of residence of the person.

Amendment 184

Proposal for a regulation Article 17

Text proposed by the Commission

[...]

Amendment

deleted

Amendment 185

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. During the **Single** Market emergency mode, the Commission may provide for supportive measures to **reinforce** free movement of persons **referred to in Article 17(6) and 17(7)** by means of implementing acts. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 422(2). On duly justified imperative grounds of urgency relating to the impacts of the crisis on the Single Market, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(3).**

Amendment 186

**Proposal for a regulation
Article 18 – paragraph 2**

Text proposed by the Commission

2. During the **Single** Market emergency mode, where the Commission establishes that Member States have put in place templates for attesting that the individual or economic operator is a service provider that provides crisis-relevant services, a business representative or worker that is involved in production of crisis-relevant goods or provision of crisis-relevant services or a civil protection worker and it considers that the use of different templates by each Member **States** is an obstacle to the free movement at the time of a **Single** Market emergency, the Commission may issue, if it considers it necessary for supporting the free movement of such categories of persons and their equipment during the ongoing **Single** Market emergency, templates for attesting that they fulfil the relevant criteria for the application Article **17(6)** in all Member States **by means of implementing acts**.

Amendment

1. During the **internal** market emergency mode, the Commission may provide for supportive measures to **facilitate the** free movement of persons by means of implementing acts.

Amendment

2. During the **internal** market emergency mode, where the Commission establishes that Member States have put in place templates for attesting that the individual or economic operator is a service provider that provides crisis-relevant services, a business representative or worker that is involved in **the** production of crisis-relevant goods or **the** provision of crisis-relevant services, or a civil protection worker, and it considers that the use of different templates by each Member **State** is an obstacle to the free movement at the time of a **internal** market emergency, the Commission may, **by means of implementing acts**, issue, if it considers it necessary for supporting the free movement of such categories of persons and their equipment during the ongoing **internal** market emergency, templates for attesting that they fulfil the relevant criteria for the application Article **16** in all

Member States.

Amendment 187

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. The implementing acts referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article 42(2). On duly justified imperative grounds of urgency relating to the impacts of the crisis on the **Single** Market, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(3).

Amendment

3. The implementing acts referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article 42(2). On duly justified imperative grounds of urgency relating to the impacts of the crisis on the **internal** market, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(3).

Amendment 188

Proposal for a regulation Article 19 – title

Text proposed by the Commission

Notifications

Amendment

Notifications **and information**

Amendment 189

Proposal for a regulation Article 19 – paragraph 1 – subparagraph 1

Text proposed by the Commission

During the **Single** Market emergency, Member States shall notify **to** the Commission any **crisis-relevant** draft measures restricting free movement of goods and the freedom to provide services as well as **crisis-relevant restrictions of** free movement of persons, including workers together with the reasons for those measures.

Amendment

During the **internal market vigilance mode or the internal** market emergency **mode**, Member States shall notify the Commission **of** any draft measures **linked to the crisis and** restricting **the** free movement of goods and the freedom to provide services as well as **adopted measures restricting of the** free movement of persons, including workers, together

with the reasons for those measures.

Amendment 190

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

2. Member States shall provide to the Commission a statement ***of the reasons which make*** the enactment of such ***measure*** justified and proportionate, where ***those reasons have not already been made clear in the notified measure***. Member States shall communicate to the Commission the full text of the national legislative or regulatory provisions which contain or are modified by ***the*** measure.

Amendment

2. Member States shall provide to the Commission a statement ***demonstrating that*** the enactment of such ***measures is non-discriminatory***, justified and proportionate ***and***, where ***possible, accompanied by concrete evidence***. Member States shall communicate to the Commission the full text of the national legislative or regulatory provisions which contain or are modified by ***such a*** measure.

Amendment 191

Proposal for a regulation Article 19 – paragraph 4

Text proposed by the Commission

4. The Commission shall communicate the notified measures to the other Member States without delay and shall share them at the same time with the ***advisory group***.

Amendment

4. The Commission shall communicate the notified measures to the other Member States without delay and shall share them at the same time with the ***Board***.

Amendment 192

Proposal for a regulation Article 19 – paragraph 5

Text proposed by the Commission

5. If the ***advisory group*** chooses to deliver an opinion on a notified measure, it shall do so within four working days from the date of receipt ***by the Commission*** of the notification ***concerning that measure***.

Amendment

5. If the ***Board*** chooses to deliver an opinion on a notified measure, it shall do so within four working days from the date of receipt of the notification.

Amendment 193

Proposal for a regulation Article 19 – paragraph 6

Text proposed by the Commission

6. The Commission shall ensure that citizens and businesses are informed of the notified measures, unless Member States request that the measures remain confidential, or the Commission deems disclosure of those measures would affect the security and public *order* of the *European* Union or its Member States, as well as of the decisions and Member States' comments adopted in accordance with this Article.

Amendment

6. The Commission shall ensure that citizens and businesses are informed of the notified measures, unless Member States request that the measures remain confidential *in accordance with paragraph 15 of this Article*, or the Commission deems disclosure of those measures would affect the security and public *policy* of the Union or its Member States, as well as of the decisions and Member States' comments adopted in accordance with this Article.

Amendment 194

Proposal for a regulation Article 19 – paragraph 8

Text proposed by the Commission

8. Within 10 days from the date of receipt of the notification, the Commission shall examine the compatibility of any draft or adopted measure with Union law, including *Articles 16 and 17* of this Regulation as well as the principles of proportionality and non-discrimination, and may provide comments on the notified measure when there are immediately obvious and serious grounds to believe that it does not comply with Union law. Such comments shall be taken into account by the notifying Member State. In exceptional circumstances, in particular to receive scientific advice, evidence or technical expertise in the context of an evolving situation, the period of 10 days may be extended by the Commission. The Commission shall set out the reasons justifying any such extension, shall set a new deadline *and* shall inform the Member

Amendment

8. Within 10 days from the date of receipt of the notification, the Commission shall examine the compatibility of any draft or adopted measure with Union law, including *Article 16* of this Regulation as well as the principles of proportionality and non-discrimination, and may provide comments on the notified measure when there are immediately obvious and serious grounds to believe that it does not comply with Union law. Such comments shall be taken into account by the notifying Member State. In exceptional circumstances, in particular to receive scientific advice, evidence or technical expertise in the context of an evolving situation, the period of 10 days may be extended by the Commission. The Commission shall set out the reasons justifying any such extension, *and* shall set a new deadline, *which shall not exceed 30*

States about the new deadline and the reasons for the extension without delay.

days. It shall inform the Member States about the new deadline and the reasons for the extension without delay.

Amendment 195

Proposal for a regulation Article 19 – paragraph 9

Text proposed by the Commission

9. Member States may also provide comments to the Member State which has notified a measure; that Member State shall take such comments into account.

Amendment

9. Member States may also provide comments to the Member State which has notified a measure *and* that Member State shall take such comments into account.

Amendment 196

Proposal for a regulation Article 19 – paragraph 10

Text proposed by the Commission

10. The notifying Member State shall communicate the measures it intends to adopt *in order to comply* with the comments delivered in accordance with paragraph 8 to the Commission within 10 days after receiving them.

Amendment

10. The notifying Member State shall communicate the measures it intends to adopt *and a justification on how it complies* with the comments delivered in accordance with paragraph 8 to the Commission within 10 days after receiving them.

Amendment 197

Proposal for a regulation Article 19 – paragraph 11

Text proposed by the Commission

11. If the Commission finds that the measures communicated by the notifying Member State are still not in accordance with Union law, it may issue within **30** days of that communication, a decision requiring that Member State to refrain from adopting the notified draft measure. The notifying Member State shall communicate

Amendment

11. If the Commission finds that the measures communicated by the notifying Member State are still not in accordance with Union law, it may issue, within **15** days of that communication, a decision requiring that Member State *to modify or* to refrain from adopting the notified draft measure. The notifying Member State shall

the adopted text of a notified draft measure to the Commission without delay.

communicate the adopted text of a notified draft measure to the Commission without delay.

Amendment 198

Proposal for a regulation Article 19 – paragraph 12

Text proposed by the Commission

12. If the Commission finds that an already adopted measure that has been notified to it, is not in accordance with Union law, it may issue within **30** days of that notification a decision requiring the Member State to abolish it. The notifying Member State shall communicate the text of a revised measure in case it modifies the notified adopted measure without delay.

Amendment

12. If the Commission finds that an already adopted measure that has been notified to it, is not in accordance with Union law, it may issue within **15** days of that notification a decision requiring the Member State to abolish it. The notifying Member State shall communicate the text of a revised measure in case it modifies the notified adopted measure without delay.

Amendment 199

Proposal for a regulation Article 19 – paragraph 13

Text proposed by the Commission

13. The period of **30** days referred to in paragraphs 11 and 12 may be exceptionally extended by the Commission in order to take account of a change of circumstances, in particular to receive scientific advice, evidence or technical expertise in the context of an evolving situation. The Commission shall set out the reasons justifying any such extension and shall set a new deadline and shall inform the Member States about the new deadline and the reasons for the extension without delay.

Amendment

13. The period of **15** days referred to in paragraphs 11 and 12 may be exceptionally extended by the Commission in order to take account of a change of circumstances, in particular to receive scientific advice, evidence or technical expertise in the context of an evolving situation. The Commission shall set out the reasons justifying any such extension and shall set a new deadline and shall inform the Member States about the new deadline and the reasons for the extension without delay.

Amendment 200

Proposal for a regulation Article 19 – paragraph 14

Text proposed by the Commission

14. The Commission decisions referred to in paragraphs 11 and 12 shall be based on available information and may be issued when there are immediately obvious and serious grounds to believe that the notified measures do not comply with Union law, including Article 16 *or 17* of this Regulation, the principle of proportionality or the principle of non-discrimination. The adoption of those decisions shall be without prejudice to the possibility for the Commission to adopt measures at a later stage, including the launching of an infringement procedure on the basis of Article 258 TFEU.

Amendment

14. The Commission decisions referred to in paragraphs 11 and 12 shall be based on available information and may be issued when there are immediately obvious and serious grounds to believe that the notified measures do not comply with Union law, including Article 16 of this Regulation, the principle of proportionality or the principle of non-discrimination. The adoption of those decisions shall be without prejudice to the possibility for the Commission to adopt measures at a later stage, including the launching of an infringement procedure on the basis of Article 258 TFEU.

Amendment 201

**Proposal for a regulation
Article 19 – paragraph 15**

Text proposed by the Commission

15. Information *supplied* under this Article shall ***not be confidential except at the express request of the notifying Member State. Any such request shall relate*** to draft measures *and* shall be justified.

Amendment

15. Information ***provided by Member States*** under this Article shall ***be made public. Member States may request that information related*** to draft measures ***is kept confidential. That request*** shall be justified.

Amendment 202

**Proposal for a regulation
Article 19 – paragraph 16**

Text proposed by the Commission

16. The Commission shall publish ***the text of the measures adopted by the Member States in the context of the Single market emergency that restrict free movement of goods, services and the persons, including workers, which have been communicated by means of the***

Amendment

16. The Commission shall publish ***any information provided under*** this Article ***except information that is deemed confidential in accordance with paragraph 15.***

notifications referred to in this Article as well as via other sources. The text of the measures shall be published within one working day of its receipt by means of an electronic platform managed by the Commission.

Amendment 203

Proposal for a regulation Article 19 – paragraph 16 a (new)

Text proposed by the Commission

Amendment

16a. The Commission shall publish the measures adopted by the Member States in the context of the internal market emergency that restrict free movement of goods, services and persons, including workers, which have been communicated. Those measures shall be published within one working day of their receipt via an electronic platform managed by the Commission.

Amendment 204

Proposal for a regulation Article 19 – paragraph 16 b (new)

Text proposed by the Commission

Amendment

16b. Member States shall inform citizens, consumers, businesses, workers and their representatives and any affected stakeholders, in a clear and unambiguous manner, about measures that affect the free movement of goods, services and persons, including workers and service providers, before their entry into force, in particular through their national single point of contact referred to in Article 21. Member States shall ensure a continuous dialogue with all relevant stakeholders, including social partners and international partners.

Amendment 205

Proposal for a regulation Article 21 – paragraph 1 – point a

Text proposed by the Commission

(a) assistance in requesting and obtaining information about national restrictions of the free movement of goods, services, persons and workers that are related to an activated **Single** Market emergency;

Amendment

(a) assistance in requesting and obtaining information about national restrictions of the free movement of goods, services, persons and workers that are related to an activated **internal** market emergency **mode**;

Amendment 206

Proposal for a regulation Article 21 – paragraph 1 – point b

Text proposed by the Commission

(b) assistance in the performance of any national level crisis procedures and formalities that have been put in place due to the activated **Single** Market emergency.

Amendment

(b) assistance in the performance of any national level crisis procedures and formalities that have been put in place due to the activated **internal** market emergency **mode**;

Amendment 207

Proposal for a regulation Article 21 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) assistance in the dissemination of information to citizens, consumers, economic operators and workers and their representatives.

Amendment 208

Proposal for a regulation Article 21 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that it is possible for citizens, consumers, economic operators and workers and their representatives to receive, at their request and via the respective single points of contact, information from the competent authorities on the way in which the respective national crisis response measures are generally interpreted and applied. Where appropriate, such information shall include a step-by-step guide. The information shall be provided in clear, understandable and intelligible language. It shall be easily accessible at a distance and by electronic means and shall be kept up to date.

Amendment

2. Member States shall ensure that it is possible for citizens, consumers, economic operators and workers and their representatives to receive, at their request and via the respective single points of contact, information from the competent authorities on the way in which the respective national crisis response measures are generally interpreted and applied. Where appropriate, such information shall include a step-by-step guide. The information shall be provided in clear, understandable and intelligible language. It shall be easily accessible at a distance and by electronic means and shall be kept up to date. ***Member States shall make best efforts to provide such information in all official languages of the Union, paying particular attention to the situation and needs of the border regions.***

Amendment 209

**Proposal for a regulation
Article 22 – paragraph 2 – introductory part**

Text proposed by the Commission

2. The Union level single point of contact shall provide citizens, consumers, economic operators, workers and their representatives with the following ***assistance***:

Amendment

2. The Union level single point of contact shall provide citizens, consumers, ***local and regional authorities***, economic operators, workers and their representatives with the following:

Amendment 210

**Proposal for a regulation
Article 22 – paragraph 2 – point a**

Text proposed by the Commission

(a) assistance in requesting and obtaining information as regards Union

Amendment

(a) assistance in requesting and obtaining information as regards Union

level crisis response measures that are relevant to the activated **Single** Market emergency or which affect the exercise of the free movement of goods, services, persons **and** workers;

level crisis response measures that are relevant to the activated **internal** market emergency **mode** or which affect the exercise of the free movement of goods, services **and** persons, **including** workers;

Amendment 211

Proposal for a regulation Article 22 – paragraph 2 – point b

Text proposed by the Commission

(b) assistance in the performance of any crisis procedures and formalities that have been put in place at the Union level due to the activated **Single** Market emergency;

Amendment

(b) assistance in the performance of any crisis procedures and formalities that have been put in place at the Union level due to the activated **internal** market emergency **mode**;

Amendment 212

Proposal for a regulation Article 22 – paragraph 2 – point c

Text proposed by the Commission

(c) **putting together** a list with all national crisis measures and national contact points.

Amendment

(c) **assistance in establishing** a list with all national crisis measures and national contact points.

Amendment 213

Proposal for a regulation Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Sufficient human and financial resources shall be allocated to the Union level single point of contact.

Amendment 214

Proposal for a regulation
Title III – title

Text proposed by the Commission

Single Market emergency response measures

Amendment

Internal market emergency response measures

Amendment 215

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. Binding measures included in this Chapter may be adopted by the Commission by means of implementing acts *in accordance with Articles 24(2), first subparagraph of Article 26 and Article 27(2) may be adopted only after a Single* Market Emergency has been activated *by means of a Council implementing act* in accordance with Article 14.

Amendment

1. Binding measures included in this Chapter may be adopted by the Commission by means of implementing acts *only when an internal* market emergency *mode* has been activated in accordance with Article 14.

Amendment 216

Proposal for a regulation
Article 23 – paragraph 2

Text proposed by the Commission

2. An implementing act introducing a measure included in this Chapter shall clearly and specifically list the crisis-relevant goods and services to which such measure applies. That measure shall apply only for the duration of the emergency mode.

Amendment

2. An implementing act introducing a measure included in this Chapter shall clearly and specifically list the crisis-relevant goods and services *identified in the implementing act adopted in accordance with Article 14(5)* to which such *a* measure applies. That measure shall apply only for the duration of the emergency mode.

Amendment 217

Proposal for a regulation
Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(2). On duly justified imperative grounds of urgency relating to the impact of the crisis on the internal market, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(3).

Amendment 218

Proposal for a regulation
Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. Where there is a severe crisis-related **shortages** or an immediate threat thereof, the Commission may invite **representative organisations or** economic operators in crisis-relevant supply chains to transmit **on a voluntary basis, within a set time limit,** specific information to the Commission **on the production capacities and possible existing stocks of crisis-relevant goods and components thereof in Union production facilities and third country facilities which it operates, contracts or purchases supply from, as well as information on any relevant supply chain disruptions within a given deadline.**

1. Where there is a severe crisis-related **shortage** or an immediate threat thereof, the Commission may invite economic operators in crisis-relevant supply chains to transmit, **in accordance with paragraph 3,** specific information that is relevant to the **internal market emergency, on a voluntary basis and within a reasonable time limit.**

Amendment 219

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

Amendment

2. If the addressees do not transmit the

2. If the addressees do not transmit the

information requested in accordance with paragraph 1 within the time-limit and do not provide a valid justification for not doing so, the Commission may, by means of **an implementing act, require** that they transmit the information, indicating **in the implementing act** why it is proportionate and necessary to do so, specifying the crisis-relevant goods and services and addressees concerned by the information request, and the information that is sought, providing where necessary a template with the questions that may be addressed to the economic operators.

information requested in accordance with paragraph 1 within the time-limit and do not provide a valid justification for not doing so, the Commission may, by means of **a recommendation, request** that they transmit the **requested** information, indicating why it is proportionate and necessary to do so, specifying the crisis-relevant goods and services and addressees concerned by the information request, and the information that is sought, providing where necessary a template with the questions that may be addressed to the economic operators.

Amendment 220

Proposal for a regulation

Article 24 – paragraph 3 – introductory part

Text proposed by the Commission

3. The information requests referred to in paragraph 1 may concern **the following**:

Amendment

3. The information requests referred to in paragraph 1, may concern:

Amendment 221

Proposal for a regulation

Article 24 – paragraph 3 – point a

Text proposed by the Commission

(a) targeted information to the Commission **in relation to** the production capacities and possible existing stocks of the crisis-relevant goods and components thereof in production facilities located in the Union and production facilities located in a third country which the organisation or the operator referred to in paragraph 1 operates, contracts **or purchases supply from, while fully respecting trade and business secrets and requiring them to transmit to the Commission a schedule of the expected production output for the following 3 months for production facility located in the Union as well as any**

Amendment

(a) targeted information to the Commission **on** the production capacities and possible existing stocks of the crisis-relevant goods and components thereof in production facilities located in the Union and production facilities located in a third country which the organisation or the operator referred to in paragraph 1 operates **or** contracts;

relevant supply chain disruptions;

Amendment 222

Proposal for a regulation

Article 24 – paragraph 3 – point b

Text proposed by the Commission

(b) *other information necessary for assessing the nature or magnitude of a given supply chain disruption or shortage.*

Amendment

(b) *a schedule of the expected production output of crisis-relevant goods for the 3 months following the information request regarding production facilities located in the Union or in a third country in which the operator operates or contracts.*

Amendment 223

Proposal for a regulation

Article 24 – paragraph 4

Text proposed by the Commission

4. *Following the activation of the mandatory information requests to economic operators by means of an implementing act, the Commission shall address a formal decision to each of those representative organisations or economic operators in crisis-relevant supply chains that have been identified in the implementing act, requesting them to provide the information specified in the implementing act.* The Commission shall rely, where possible, on the relevant and available contact lists of the economic operators active in the selected supply chains of crisis-relevant goods and services, compiled by the Member States. The Commission may obtain the necessary information on the relevant economic operators from the Member States.

Amendment

4. *When inviting or requesting economic operators to provide information for the purposes of this Article, the Commission shall rely, where possible, on the relevant and available contact lists of the economic operators active in the selected supply chains of crisis-relevant goods and services, compiled by the Member States. The Commission may obtain the necessary information on the relevant economic operators from the Member States.*

Amendment 224

Proposal for a regulation
Article 24 – paragraph 5

Text proposed by the Commission

5. The Commission **Decisions** containing individual information requests shall contain a reference **to the implementing act referred to in paragraph 2 on which they are based and** to the situations of severe crisis-related shortages or an immediate threat thereof which has given rise to them. Any information request shall be duly justified and proportionate in terms of the volume, nature and granularity of the data, as well as the frequency of access to the data requested, and shall be necessary for the management of the emergency **or for compiling relevant official statistics**. A request shall set out a reasonable time limit within which the information is to be provided. It shall take into account the effort required to collect and make the data available by the economic operator **or representative organisation**. **The formal decision** shall also contain safeguards for protection of data in accordance with Article 39 of this Regulation, safeguards for non-disclosure of sensitive business information **contained** in the reply in accordance with Article 25, **and information on the possibility of contesting it before the Court of Justice of the European Union in line with relevant Union law and the fines provided for in Article 28 for failure to comply and the timeline for a reply**.

Amendment 225

Proposal for a regulation
Article 24 – paragraph 6

Text proposed by the Commission

6. The owners of the economic operators or **their representatives and, in**

Amendment

5. The Commission **recommendation** containing individual information requests shall contain a reference to the situations of severe crisis-related shortages or an immediate threat thereof which has given rise to them. Any information request shall be duly justified and proportionate in terms of the volume, nature and granularity of the data, as well as the frequency of access to the data requested, and shall be necessary for the management of the emergency. A request shall set out a reasonable time limit **not exceeding 14 days** within which the information is to be provided. **The operator may request a one-time extension to the time limit until two days prior to its expiration in the event that the gravity of the situation requires such extension. The Commission shall respond, within one working day, to any such request for an extension to the time limit.** It shall take into account the effort required to collect and make the data available by the economic operator. **The recommendation** shall also contain safeguards for protection of data in accordance with Article 39 of this Regulation, safeguards for non-disclosure of sensitive business information **and safeguards for non-disclosure of trade secrets and intellectual property** in the reply in accordance with Article 25.

Amendment

6. The owners of the economic operators or the persons authorised to

the case of legal persons, companies or firms, or associations having no legal personality, the persons authorised to represent them by law or by their constitution may supply the information requested on behalf of the economic operator *or the association of economic operators* concerned. Each economic operator *or association of economic operators* shall provide the requested information on an individual basis in line with the Union rules on competition governing the exchange of information. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.

represent them by law or by their constitution may supply the information requested on behalf of the economic operator concerned. Each economic operator shall provide the requested information on an individual basis in line with the Union rules on competition governing the exchange of information. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete, incorrect or misleading.

Amendment 226

Proposal for a regulation Article 24 – paragraph 7

Text proposed by the Commission

Amendment

7. The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions whereby the Commission has imposed a mandatory information request to an economic operator.

deleted

Amendment 227

Proposal for a regulation Article 24 – paragraph 8

Text proposed by the Commission

Amendment

8. The implementing acts referred to in paragraph 2 shall be adopted in accordance with the committee procedure referred to in Article 42(2). On duly justified imperative grounds of urgency relating to the impacts of the crisis on the Single Market, the Commission shall

deleted

*adopt immediately applicable
implementing acts in accordance with the
procedure referred to in Article 42(3).*

Amendment 228

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. Information received as a result of the application of this Regulation shall be used only for the purpose for which it was requested.

Amendment

1. Information received **from liaison offices of the Member States, the Board, economic operators or any other source** as a result of the application of this Regulation shall be used only for the purpose for which it was requested.

Amendment 229

Proposal for a regulation Article 25 – paragraph 2

Text proposed by the Commission

2. Member States and the Commission shall ensure the protection of trade and business secrets and other sensitive and confidential information acquired and generated in application of this Regulation, including recommendations and measures to be taken, in accordance with Union and the respective national law.

Amendment

2. Member States and the Commission shall ensure the protection of trade and business secrets, **intellectual property**, and other sensitive and confidential information acquired and generated in application of this Regulation, including recommendations and measures to be taken, in accordance with Union and the respective national law.

Amendment 230

Proposal for a regulation Article 25 – paragraph 4

Text proposed by the Commission

4. The Commission may present to the **advisory group referred to in Article 4** aggregate information based on any information collected pursuant to Article

Amendment

4. The Commission may present to the **Board** aggregate information based on any information collected pursuant to Article

24.

24.

Amendment 231

Proposal for a regulation

Article 25 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Any information obtained through information requests shall be deleted immediately upon the expiration of the internal market emergency mode, or earlier if all relevant reports pertaining to the internal market emergency mode have been submitted. The Commission and Member States shall send a confirmation of the deletion of that information to the economic operators affected immediately after its deletion.

Amendment 232

Proposal for a regulation

Article 26

Text proposed by the Commission

Amendment

Article 26

deleted

Targeted amendments to harmonised product legislation

When the Single Market emergency mode has been activated by means of a Council implementing act adopted pursuant to Article 14, and there is a shortage of crisis relevant goods the Commission may activate by means of implementing acts the emergency procedures included in the Union legal frameworks amended by [Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/424, Regulation (EU) 2016/425, Regulation (EU) 2016/426, Regulation (EU) 2019/1009 and Regulation (EU) No 305/2011 and introducing emergency procedures for the

conformity assessment, adoption of common specifications and market surveillance in the context of a Single Market emergency and Directive of the European Parliament and of the Council amending Directives 2000/14/EC, 2006/42/EC, 2010/35/EU, 2013/29/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, and 2014/68/EU and introducing as regard emergency procedures for the conformity assessment, adoption of common specifications and market surveillance in the context of due to a Single Market] as regards crisis-relevant goods, indicating which crisis-relevant goods and emergency procedures are subject to the activation, providing reasons for such activation and its proportionality, and indicating the duration of such activation.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(2). On duly justified imperative grounds of urgency relating to the impacts of the crisis on the Single Market, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 42(3).

Amendment 233

Proposal for a regulation Article 27 – paragraph 1

Text proposed by the Commission

1. The Commission may invite one or more economic operators in crisis-relevant supply chains established in the Union to accept and prioritise certain orders for the production or supply of crisis-relevant goods ('priority rated order').

Amendment

1. The Commission, may invite, ***on a voluntary basis***, one or more economic operators in crisis-relevant supply chains established in the Union to accept and prioritise certain orders for the production or supply of crisis-relevant goods ('priority rated order'). ***The Commission shall specify all relevant information, including the quantity of the crisis-relevant goods***

and services, the delivery time and the price and shall inform the European Parliament thereof.

Amendment 234

Proposal for a regulation Article 27 – paragraph 2

Text proposed by the Commission

2. If an economic operator does not accept **and** prioritise priority rated orders, the Commission may, **at** its own initiative or at the request of 14 Member States, assess the necessity and proportionality of resorting to priority rated orders in such cases, the Commission shall give the economic operator concerned as well as any parties demonstrably affected by the potential priority rated order, the opportunity to state their position within a reasonable time limit set by the Commission in light of the circumstances of the case. In exceptional circumstances, following such an assessment, the Commission may address an implementing act to the economic operator concerned, requiring it to either accept and prioritise the priority rated orders specified in the implementing act or explain why it is not possible or appropriate for that operator to do so. The Commission's decision shall be based on objective data showing that such prioritisation is indispensable to ensure the maintenance of vital societal economic activities in the **Single** Market

Amendment

2. If an economic operator does not accept **or** prioritise priority rated orders, the Commission may, on its own initiative or at the request of 14 Member States, assess the necessity and proportionality of resorting to priority rated orders. In such cases, the Commission shall give the economic operator concerned as well as any parties demonstrably affected by the potential priority rated order, the opportunity to state their position within a reasonable time limit set by the Commission in light of the circumstances of the case. In exceptional circumstances, following such an assessment **and taking into due consideration the opinion of the Board**, the Commission may address an implementing act to the economic operator concerned, requiring it to either accept and prioritise the priority rated orders specified in the implementing act or explain **in writing** why it is not possible or appropriate for that operator to do so. **Where the consideration of the Commission diverges from the opinion of the Board, the Commission shall provide a substantiated justification.** The Commission's decision shall be based on objective data **which is factual, measurable and substantiated**, showing that such prioritisation is indispensable to ensure the maintenance of vital societal economic activities in the **internal** market.

Amendment 235

Proposal for a regulation
Article 27 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Where the economic operator to which the decision referred to in paragraph 2 is addressed declines to accept the requirement to accept and prioritise the orders specified in the decision, it shall provide to the Commission, within 10 days from the notification of the decision, a reasoned explanation setting out duly justified reasons why it is not possible or appropriate, ***in light of the objectives of this provision***, for it to comply with the requirement. Such reasons include the inability of the operator to perform the priority rated order on account of insufficient production capacity or a serious risk that accepting the order would entail particular hardship or economic burden for the operator, or other considerations of comparable gravity.

Amendment

Where the economic operator to which the decision referred to in paragraph 2 is addressed declines to accept the requirement to accept and prioritise the orders specified in the decision, it shall provide to the Commission, within 10 days from the notification of the decision, a reasoned explanation setting out duly justified reasons why it is not possible or appropriate, for it to comply with the requirement. Such reasons include the inability of the operator to perform the priority rated order ***due to*** insufficient production capacity or a serious risk that accepting the order would entail particular hardship or economic burden for the operator, ***taking into account, in particular, the prices and quantities specified by the Commission***, or other considerations of comparable gravity. ***These reasons could entail the legitimate aims of the undertaking concerned and the cost, effort, technical practicality, and long-term business consequences, required for any change in production sequence.***

Amendment 236

Proposal for a regulation
Article 27 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission may make such reasoned explanation or parts of it public, with due regard to business confidentiality.

Amendment

deleted

Amendment 237

Proposal for a regulation
Article 27 – paragraph 6

Text proposed by the Commission

6. The Commission shall take the decision referred to in paragraph 2 in accordance with applicable Union law, including the principles of necessity and proportionality, and the Union’s obligations under international law. The decision shall in particular take into account the legitimate interests of the economic operator concerned and any available information concerning the cost and effort required for any change in production sequence. It shall state the legal basis for its adoption, fix the time limits within which the priority rated order is to be performed and, where applicable, specify the product and quantity. It shall state the fines provided for in Article 28 for failure to comply with the decision. The priority rated order shall be placed at a fair and reasonable price.

Amendment

6. The Commission shall take the decision referred to in paragraph 2 in accordance with applicable Union law, including the principles of necessity and proportionality, and the Union’s obligations under international law. The decision shall in particular take into account the legitimate interests of the economic operator concerned and any available information concerning the cost and effort required for any change in production sequence. It shall state the legal basis for its adoption, fix the time limits within which the priority rated order is to be performed and, where applicable, specify the product, ***the price*** and quantity. It shall state the fines provided for in Article 28 for failure to comply with the decision. The priority rated order shall be placed at a fair and reasonable price, ***which shall include, where relevant, an appropriate compensation for all additional costs incurred by the economic operator.***

Amendment 238

Proposal for a regulation
Article 28 – title

Text proposed by the Commission

Fines to operators for failure to comply with ***the obligation to reply to mandatory information requests or to comply with*** priority rated orders

Amendment

Fines to operators for failure to comply with priority-rated orders

Amendment 239

Proposal for a regulation
Article 28 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) where a representative organisation of economic operators or an economic operator, intentionally or through gross negligence, supplies incorrect, incomplete or misleading information in response to a request made pursuant to Article 24, or does not supply the information within the prescribed time limit;

deleted

Amendment 240

Proposal for a regulation Article 28 – paragraph 2

Text proposed by the Commission

Amendment

2. Fines imposed in the cases referred to in paragraph 1 **(a) and** (b) shall not exceed 200 000 EUR.

2. Fines imposed in the cases referred to in paragraph 1 (b) shall not exceed 200 000 EUR. ***Fines imposed on economic operators that are SMEs, as defined in Recommendation 2003/361/EC, shall not exceed 25 000 EUR.***

Amendment 241

Proposal for a regulation Article 28 – paragraph 3

Text proposed by the Commission

Amendment

3. Fines imposed in the cases referred to in paragraph 1 (c) shall not exceed 1 % of the average daily turnover in the preceding business year for each working day of non-compliance with the obligation pursuant to Article 27 (priority rated orders) calculated from the date established in the decision not exceeding 1% of total turnover in the preceding business year.

3. Fines imposed in the cases referred to in paragraph 1 (c) shall not exceed 1 % of the average daily turnover in the preceding business year for each working day of non-compliance with the obligation pursuant to Article 27 (priority rated orders) calculated from the date established in the decision not exceeding 1% of ***the global turnover in the preceding business year. Fines imposed on economic operators that are SMEs, as defined in Recommendation 2003/361/EC, shall not exceed 0,25% of the global*** total turnover in the preceding business year.

Amendment 242

Proposal for a regulation Article 28 – paragraph 4

Text proposed by the Commission

4. In fixing the amount of the fine, **regard shall be had** to the size and economic resources of the economic operator concerned, to the nature, gravity and duration of the infringement, taking due account of the principles of proportionality and appropriateness.

Amendment

4. In fixing the amount of the fine, **the Commission shall take into account** the size and economic resources of the economic operator concerned, to the nature, gravity and duration of the infringement, taking due account of the principles of proportionality and appropriateness. **The impact of the crisis on the economic operator and its business activities shall also be taken into account.**

Amendment 243

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

Text proposed by the Commission

(a) two years in the case of infringements of provisions concerning requests of information pursuant to Article 24;

Amendment

deleted

Amendment 244

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

Text proposed by the Commission

(b) three years in the case infringements of provisions concerning the obligation to prioritise the production of crisis-relevant goods pursuant to Article 26(2).

Amendment

(b) three years in the case infringements of provisions concerning the obligation to prioritise the production of crisis-relevant goods pursuant to Article 27.

Amendment 245

Proposal for a regulation

Article 31 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before adopting a decision pursuant to Article 28, the Commission shall give the economic operator ***or representative organisations of economic operators*** concerned the opportunity of being heard on:

Amendment

1. Before adopting a decision pursuant to Article 28, the Commission shall give the economic operator concerned the opportunity of being heard on:

Amendment 246

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

2. ***Undertakings and representative organisations of economic operators*** concerned may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 21 days.

Amendment

2. ***The*** economic operators concerned may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 21 days.

Amendment 247

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

3. The Commission shall base its decisions only on objections on which economic operators ***and representative organisations of economic operators*** concerned have been able to comment.

Amendment

3. The Commission shall base its decisions only on objections on which economic operators concerned have been able to comment.

Amendment 248

Proposal for a regulation

Article 31 – paragraph 4

Text proposed by the Commission

4. The rights of defence of the economic operator ***or representative organisations of economic operators*** concerned shall be fully respected in any proceedings. The economic operator ***or representative organisations of economic operators*** concerned shall be entitled to have access to the Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of economic operators in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the Commission or the authorities of the Member States. In particular, the right of access shall not extend to correspondence between the Commission and the authorities of the Member States. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.

Amendment

4. The rights of defence of the economic operator concerned shall be fully respected in any proceedings. The economic operator concerned shall be entitled to have access to the Commission's file under the terms of a negotiated disclosure, subject to the legitimate interest of economic operators in the protection of their business secrets. The right of access to the file shall not extend to confidential information and internal documents of the Commission or the authorities of the Member States. In particular, the right of access shall not extend to correspondence between the Commission and the authorities of the Member States. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.

Amendment 249

Proposal for a regulation
Article 32 – title

Text proposed by the Commission

Coordinated distribution of strategic reserves

Amendment

Solidarity and coordinated distribution of strategic reserves

Amendment 250

Proposal for a regulation
Article 32 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. In the event of a shortage of crisis-relevant goods and services affecting one or more Member States, the Member

States concerned may notify the Commission thereof and indicate the quantities needed and any other relevant information. The Commission shall transmit the information to all competent authorities and streamline the coordination of Member States' responses.

Amendment 251

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

Where the strategic reserves constituted by the Member States in accordance with Article **12** prove to be insufficient to meet the needs related to the **Single** Market emergency, the Commission, taking into consideration the opinion provided by the **advisory group**, may recommend to the Member States to distribute the strategic reserves in a targeted way, where possible, having regard to the need not to further aggravate disruptions on the Single Market, including in geographical areas particularly affected by such disruptions and in accordance with the principles of necessity, proportionality and solidarity and establishing the most efficient use of reserves with a view to ending the **Single** Market emergency.

Amendment

Where the strategic reserves constituted by the Member States in accordance with Article **8a** prove to be insufficient to meet the needs related to the **internal** market emergency, the Commission, **duly** taking into consideration the opinion provided by the **Board**, may recommend to the Member States to distribute the strategic reserves in a targeted way, where possible, having regard to the need not to further aggravate disruptions on the **internal** market, including in geographical areas particularly affected by such disruptions and in accordance with the principles of necessity, proportionality and solidarity and establishing the most efficient use of reserves with a view to ending the **internal** market emergency.

Amendment 252

Proposal for a regulation Article 33 – title

Text proposed by the Commission

Measures to ensure the availability and supply of crisis-relevant goods **and** services

Amendment

Measures to ensure the availability and supply of crisis-relevant goods **or** services

Amendment 253

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

1. The Commission may, when it considers that there is a risk of a shortage of crisis-relevant goods, recommend that Member States **implement** specific measures to ensure the efficient **re-organisation of** supply chains and production lines **and to use existing stocks to increase the availability and supply of crisis-relevant goods and services, as quickly as possible.**

Amendment

1. The Commission may, when it considers that there is a risk of a shortage of crisis-relevant goods **and services, taking into account the opinion of the Board,** recommend that Member States **take** specific measures, **including** to ensure the efficient supply chains and production lines.

Amendment 254

Proposal for a regulation Article 33 – paragraph 2 – point a

Text proposed by the Commission

(a) facilitating the expansion or repurposing of existing or the establishment of new production capacities for crisis-relevant goods;

Amendment

(a) facilitating the expansion or repurposing of existing or the establishment of new production capacities for crisis-relevant goods **or services;**

Amendment 255

Proposal for a regulation Article 33 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) facilitating the free movement of crisis-relevant services.

Amendment 256

Proposal for a regulation Part V – title

Text proposed by the Commission

Amendment

Procurement

Public procurement

Amendment 257

Proposal for a regulation Part V – Chapter I – title

Text proposed by the Commission

Amendment

Procurement of goods and services of **strategic** importance and crisis-relevant goods by the Commission on behalf of Member States during vigilance and emergency modes

Public procurement of goods and services of **critical** importance and crisis-relevant goods **and services** by the Commission on behalf of Member States during vigilance and emergency modes

Amendment 258

Proposal for a regulation Article 34 – paragraph 1

Text proposed by the Commission

Amendment

1. Two or more Member States may request that the Commission launch a procurement on behalf of the Member States that wish to be represented by the Commission ('participating Member States'), for the purchasing of goods and services of **strategic** importance listed in an implementing act adopted pursuant to Article 9(1) or crisis-relevant goods and services listed in an implementing act adopted pursuant to Article 14(5).

1. Two or more Member States may request that the Commission launch a procurement on behalf of the Member States that wish to be represented by the Commission ('participating Member States'), for the purchasing of goods and services of **critical** importance listed in an implementing act adopted pursuant to Article 9(1) or crisis-relevant goods and services listed in an implementing act adopted pursuant to Article 14(5).

Amendment 259

Proposal for a regulation Article 34 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall assess the **utility**, necessity and proportionality of the

2. The Commission, **in consultation with the Board**, shall assess **without delay**

request. Where the Commission intends not to follow *the* request, it shall inform the Member States concerned and the *advisory group referred to in Article 4* and give reasons for its refusal.

the necessity and proportionality of the request *referred to in paragraph 1*. Where the Commission intends not to follow *that* request, it shall inform the Member States concerned and the *Board* and give reasons for its refusal.

Amendment 260

Proposal for a regulation Article 34 – paragraph 3

Text proposed by the Commission

3. Where the Commission agrees to procure on behalf of the Member States, it shall draw up a proposal for a framework agreement to be concluded with the participating Member States allowing the Commission to procure on their behalf. This agreement shall lay down the detailed conditions for the procurement on behalf of the participating Member States *referred to in paragraph 1*.

Amendment

3. Where the Commission agrees to procure on behalf of the Member States, it shall:

(a) inform all Member States and the Board of its intention to carry out the procurement procedure and invite the interested Member States to participate;

(b) draw up a proposal for a framework agreement to be concluded with the participating Member States allowing the Commission to procure on their behalf. This agreement shall lay down the detailed conditions for the procurement, including practical arrangements, rules for decision making and the proposed quantities, on behalf of the participating Member States.

Amendment 261

Proposal for a regulation Article 34 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Where the Commission is unable to

award the contract to a suitable economic operator, it shall immediately inform the Member States thereof in order to allow them to initiate their own procurement processes without delay.

Amendment 262

Proposal for a regulation Article 35 – paragraph 1

Text proposed by the Commission

1. The agreement /referred to in Article 34(3) shall establish a negotiating mandate for the Commission to act as a central purchasing body for relevant goods and services *of strategic* importance or crisis-relevant goods and services on behalf of the participating Member States through the conclusion of new contracts.

Amendment

1. The agreement referred to in Article 34(3), *point (b)* shall establish a negotiating mandate, *which shall include elements such as award criteria and how tenders shall be assessed*, for the Commission to act as a central purchasing body for relevant goods and services *of critical* importance or crisis-relevant goods and services on behalf of the participating Member States through the conclusion of new contracts.

Amendment 263

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

2. In accordance with *the* agreement, the Commission may be entitled, on behalf of the participating Member States, to enter into contracts with economic operators, including individual producers of goods and services of *strategic* importance or crisis-relevant goods and services, concerning the purchase of such goods or services.

Amendment

2. In accordance with *that* agreement, the Commission may be entitled, on behalf of the participating Member States, to enter into contracts with economic operators, including individual producers of goods and services of *critical* importance or crisis-relevant goods and services, concerning the purchase of such goods or services.

Amendment 264

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

Amendment

3. Representatives of the Commission or experts nominated by the Commission may carry out on-site visits at the locations of production facilities of relevant goods of strategic importance or crisis-relevant goods.

deleted

Amendment 265

Proposal for a regulation Article 35 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall invite the participating Member States to appoint representatives to take part in the preparation of the procurement procedures.

Amendment 266

Proposal for a regulation Article 36 – paragraph 2

Text proposed by the Commission

Amendment

2. The contracts **may** include a clause stating that a Member State which has not participated in the procurement procedure may become a party to the contract after it has been signed, laying out in detail the procedure for doing so and its effects.

2. The contracts **shall** include a clause stating that a Member State which has not participated in the procurement procedure may, **subject to the agreement of the majority of the participating Member States**, become a party to the contract after it has been signed, laying out in detail the procedure for doing so and its effects.

Amendment 267

Proposal for a regulation Article 37 – paragraph 1

Text proposed by the Commission

Where it is necessary to carry out a joint procurement between the Commission and one or more contracting authorities from Member States in accordance with the rules set out in Article 165(2) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council, the Member States may acquire, rent or lease fully the capacities jointly procured.

Amendment 268

Proposal for a regulation Article 37 – paragraph 1 a (new)

Text proposed by the Commission

Amendment 269

Proposal for a regulation Article 37 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1. The Commission and one or more contracting authorities from Member States may engage, as contracting parties, in a joint procurement procedure conducted pursuant to Article 165(2) of Regulation (EU, Euratom) 2018/1046 with a view to the purchase of crisis-relevant goods or goods and services of critical importance within a reasonable time frame.

Amendment

1a. The participation in the joint procurement procedure shall be open to all Member States, as well as, by way of derogation from Article 165(2) of Regulation (EU, Euratom) 2018/1046, to the European Free Trade Association States and Union candidate countries as well as the Principality of Andorra, the Principality of Monaco, the Republic of San Marino and the Vatican City State, in particular where this has been specifically provided for in a bilateral or multilateral treaty.

Amendment

1b. The joint procurement procedure shall be preceded by a joint procurement agreement between the parties in order to determine the practical arrangements governing that procedure and the

decision-making process with regard to the choice of the procedure, how the tenders shall be assessed and the criteria for awarding the contract, in accordance with the relevant Union law.

Amendment 270

Proposal for a regulation Article 37 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The following conditions shall apply to the joint procurement procedure:

(a) it shall not negatively affect the functioning of the internal market and shall not constitute discrimination or a restriction of trade, nor shall it cause distortion of competition;

(b) it shall not have any direct financial impact on the budget of the countries referred to in paragraph 1a that do not participate in the joint procurement procedure.

Amendment 271

Proposal for a regulation Article 37 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. The Commission shall inform the European Parliament about the joint procurement procedures conducted in accordance with this Article and, upon request, grant access to the contracts that are concluded as a result of those procedures, subject to the adequate protection of commercially sensitive information, including business secrets, commercial relations and the interests of the Union. The Commission shall communicate information to the European Parliament regarding sensitive

Amendment 272

Proposal for a regulation Article 38 – paragraph 1

Text proposed by the Commission

When the **Single** Market emergency mode has been activated pursuant to Article 14, Member States shall consult each other and the Commission and coordinate their actions with the Commission and the representatives of the other Member States in the **advisory group** prior to launching procurement of crisis-relevant goods and services listed in an implementing act adopted pursuant to Article 14(5) in accordance with Directive 2014/24/EU of the European Parliament and of the Council⁵⁵.

⁵⁵ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65)..

Amendment

When the **internal** market emergency mode has been activated pursuant to Article 14, Member States shall consult each other and the Commission and coordinate their actions with the Commission and the representatives of the other Member States in the **Board** prior to launching procurement of crisis-relevant goods and services listed in an implementing act adopted pursuant to Article 14(5) in accordance with Directive 2014/24/EU of the European Parliament and of the Council⁵⁵. **The Board may issue recommendations on the coordination of these actions.**

⁵⁵ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

Amendment 273

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

Where the **Single** Market emergency mode has been activated pursuant to Article **16** and procurement by the Commission on behalf of Member States has been launched in accordance with Articles 34 to 36, the contracting authorities of the participating Member States shall not procure goods or

Amendment

Where the **internal** market emergency mode has been activated pursuant to Article **14** and procurement by the Commission on behalf of Member States has been launched in accordance with Articles 34 to 36, the contracting authorities of the participating Member

services covered by such procurement by other means.

States shall not procure goods or services covered by such procurement by other means, *except in cases referred to in Article 34(3a)*. Any procurement contracts concluded in violation of this Article shall be considered void.

Amendment 274

Proposal for a regulation Article 40

Text proposed by the Commission

Amendment

Article 40

deleted

Personal data protection

1. This Regulation shall be without prejudice to the obligations of Member States relating to their processing of personal data under Regulation (EU) No 2016/679 and Directive 2002/58/EC on privacy and electronic communications, or the obligations of the Commission and, where appropriate, other Union institutions and bodies, relating to their processing of personal data under Regulation (EU) No 2018/1725, when fulfilling their responsibilities.

2. Personal data shall not be processed or communicated except in cases where this is strictly necessary to the purposes of this Regulation. In such cases, the conditions of Regulation (EU) No 2016/679 and Regulation (EU) No 2018/1725 shall apply as appropriate.

3. Where processing of personal data is not strictly necessary to the fulfilment of the mechanisms established in this Regulation, personal data shall be rendered anonymous in such a manner that the data subject is not identifiable.

Amendment 275

Proposal for a regulation
Part V a (new)

Text proposed by the Commission

Amendment

Part Va

Digital tools

Amendment 276

Proposal for a regulation
Article 41 – title

Text proposed by the Commission

Amendment

Digital tools

General provisions on digital tools

Amendment 277

Proposal for a regulation
Article 41 – paragraph 1

Text proposed by the Commission

Amendment

The Commission and the Member States **may** set up interoperable digital tools or IT infrastructures supporting the objectives of this Regulation. Such tools or infrastructures **may** be developed outside the duration of **the Single Market** Emergency.

1. By ... [6 months after the entry into force of this Regulation], the Commission and the Member States shall set up, maintain and regularly update interoperable digital tools or IT infrastructures supporting the objectives of this Regulation. Such tools or infrastructures shall be developed outside the duration of an internal market emergency in order to respond to possible future emergencies in a timely and efficient manner. They shall include, inter alia, standardised, secure and effective digital tools for the secure collection and exchange of information for the purposes of Article 7a, real time information on national restrictions as referred to in Article 41a, fast lanes as referred to in Article 41b and the stakeholder platform referred to in Article 41c.

Amendment 278

Proposal for a regulation Article 41 – paragraph 2

Text proposed by the Commission

The Commission shall, by means of implementing acts, set out the technical aspects of such tools or infrastructures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(2).

Amendment

2. The Commission shall, by means of implementing acts, set out the technical aspects of such tools or infrastructures ***using, where possible, already existing IT tools or portals, such as Your Europe.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 42(2).

Amendment 279

Proposal for a regulation Article 41 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. ***Member States shall regularly exchange information with the Commission and among themselves on all matters falling within the scope of this Regulation via a secure channel of communication.***

Amendment 280

Proposal for a regulation Article 41 a (new)

Text proposed by the Commission

Amendment

Article 41a

Real-time information on national restrictions

The Commission shall set up a dedicated public website combining information from Member States on the national restrictions provided for in the laws, regulations or administrative provisions of the Member States, as notified to the

Commission pursuant to Article 19, including information on their scope and duration. The dedicated public website shall include an interactive map with relevant real-time information on those national restrictions.

Amendment 281

Proposal for a regulation Article 41 b (new)

Text proposed by the Commission

Amendment

Article 41b

Fast lanes

- 1. The Commission shall establish fast lanes that aim to facilitate the free movement of goods, services and workers, especially crisis-relevant goods and services. In particular, the Commission shall provide relevant templates or single digital declaration, registration or authorisation forms for cross-border activities, in particular for professional services in the areas of healthcare, installation, maintenance and repair, construction and food and agriculture in order to accelerate declaration, registration or authorisation procedures, including recognition of professional qualifications or posting of workers. Those templates or digital forms shall be available free of charge in all official languages of the Union, and valid in all Member States.*
- 2. Where in duly justified cases and in accordance with relevant Union law, Member States have introduced border restrictions, the Commission shall indicate fast lane border crossings that have been established, including, where possible, real-time information, to facilitate the free movement of goods, services and persons.*

Amendment 282

Proposal for a regulation Article 41 c (new)

Text proposed by the Commission

Amendment

Article 41c

Emergency and resilience stakeholder platform

- 1. The Commission shall establish a stakeholder platform in order to facilitate sector-specific dialogue and partnerships by bringing together key stakeholders, namely representatives of economic operators, social partners, researchers and civil society. That platform shall aim to encourage economic operators to draw up voluntary roadmaps in response to an internal market emergency. In particular, that platform shall provide a functionality that allows interested stakeholders to:
 - (a) indicate voluntary actions needed to successfully respond to an internal market emergency;*
 - (b) provide scientific advice, opinions or reports on crisis-related questions;*
 - (c) contribute to the exchange of information and best practices.**
- 2. The Commission and the Board shall take into account the outcomes of the sector-specific dialogue and partnerships, as well as any relevant input provided by stakeholders in accordance with paragraph 1 in the implementation of this Regulation.*

Amendment 283

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

Amendment

- 1. The Commission shall be assisted by a **Single Market Emergency Instrument***

- 1. The Commission shall be assisted by **the internal market emergency and***

Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

resilience committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

Amendment 284

Proposal for a regulation Article 42 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Before the adoption of any implementing act pursuant to this Regulation, and taking its urgency into account, the Commission shall publish a draft thereof and invite all interested parties to submit their comments within a reasonable timeframe.

Amendment 285

Proposal for a regulation Article 43 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for a period of five years from date of entry into force of this **Directive or any other date set by the co-legislators**.

2. The power to adopt delegated acts referred to in Article 6 shall be conferred on the Commission for a period of five years from ... **[the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**

Amendment 286

Proposal for a regulation Article 43 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *A delegated act adopted pursuant to Article 6 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.*

Amendment 287

Proposal for a regulation Article 44 – title

Text proposed by the Commission

Amendment

Report *and* review

Report, review *and evaluation*

Amendment 288

Proposal for a regulation Article 44 – paragraph 1

Text proposed by the Commission

Amendment

1. By [OP: please insert date = five years from the entry into force of this Regulation] and every **five** years thereafter, the Commission shall **present** a report to the European Parliament and the Council **on the functioning** of the **contingency planning, vigilance and Single Market emergency response system suggesting any improvements if necessary**, accompanied, where appropriate, by relevant legislative proposals.

1. By ... [OP: please insert date five years from the entry into force of this Regulation] and every **three** years thereafter, the Commission shall **carry out an evaluation of the effectiveness of this Regulation and shall submit** a report to the European Parliament and the Council. **That report shall include, in particular, an evaluation** of the **following**:

(a) the work of the Board , as well as its work in relation to the work of other relevant Union-level crisis management

bodies;

(b) the stress tests, training and crisis protocols, referred to in this Regulation;

(c) the criteria for the activation of the emergency mode, referred to in Article 13;

(d) the digital tools put in place in accordance with Part Va;

That report shall be accompanied, where appropriate, by relevant legislative proposals.

Amendment 289

Proposal for a regulation

Article 44 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall present a report to the European Parliament, the Council and the European Economic and Social Committee, after each deactivation of the emergency mode, on the functioning of the emergency response system with suggestions for improvement, if necessary. That report shall, in particular, evaluate the impact of the emergency measures on the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union, namely on the freedom to conduct business, the freedom to seek employment and to work, and on the right to collective bargaining and action, including the right to strike.

Amendment 290

Proposal for a regulation

Article 44 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. For the purpose of paragraph 1, the Board and the competent authorities of

the Member States shall provide the Commission with all available information upon its request.

Amendment 291

Proposal for a regulation Article 45 – title

Text proposed by the Commission

Amendment

Repeal

Amendments to Regulation (EC) No 2679/98

Amendment 292

Proposal for a regulation Article 45 – paragraph 1

Text proposed by the Commission

Amendment

Council Regulation (EC) 2679/98 is ***repealed with effect from [date]***.

Council Regulation (EC) ***No*** 2679/98 is ***amended as follows:***

(1) Article 2 is replaced by the following:

‘This Regulation shall not in any way affect the exercise of fundamental rights as recognised in the Member States and at Union level, including the right or freedom to strike or to take other action covered by the specific industrial relations systems in Member States, in accordance with national law and/or practice. Nor does it affect the right to negotiate, to conclude and enforce collective agreements, or to take collective action in accordance with national law and/or practice.’;

(2) The following Article is added:

‘Article 5a

1. Where the internal market emergency mode referred to in Article 14 of Regulation .../2023 [IMERA] has been activated, Articles 3, 4 and 5 of this Regulation shall cease to apply for the

duration of that mode.

2. Paragraph 1 is without prejudice to any obligation arising from this Regulation prior to the activation of the emergency mode in accordance with the [IMERA Regulation].'

Amendment 293

Proposal for a regulation Article 46 – title

Text proposed by the Commission

Amendment

Entry into force

Entry into force **and application**

Amendment 294

Proposal for a regulation Article 46 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

This Regulation shall apply from ... [6 months after the entry into force].