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*Plenary sitting*

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**A9-0246/2023**

25.7.2023

**\*\*\*I**

## **REPORT**

on the 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  
(COM(2022)0459 – C9-0315/2022 – 2022/0278(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Andreas Schwab

Rapporteur for the opinion of the associated committee pursuant to Rule 57 of the Rules of Procedure  
Maydell Eva, Committee on Industry, Research and Energy

***Symbols for procedures***

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

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

***Amendments to a draft act*****Amendments by Parliament set out in two columns**

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

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

**Amendments by Parliament in the form of a consolidated text**

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

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

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the 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  
(COM(2022)0459 – C9-0315/2022 – 2022/0278(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0459),
  - having regard to Article 294(2) and Articles 114, 21 and 46 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0315/2022),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the European Economic and Social Committee of 14 December 2022<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 8 February 2023<sup>2</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the letters from the Committee on Budgets,
  - having regard to the opinions of the Committee on Employment and Social Affairs and the Committee on Industry, Research and Energy,
  - having regard to the report of the Committee on the Internal Market and Consumer Protection (A9-0246/2023),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the

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<sup>1</sup> OJ C 100, 16.3.2023, p. 95.

<sup>2</sup> OJ C 157, 3.5.2023, p. 82.

national parliaments.

## Amendment 1

### Proposal for a regulation Title

*Text proposed by the Commission*

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)

*Amendment*

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*

(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**.

*Amendment*

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

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



***business operations during the crisis. It is necessary to improve the availability of information on national and Union level crisis response measures***

## **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 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.

#### *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 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*

*Amendment*

(9) To this end, this Regulation provides:

(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.***

— ***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*

*Amendment*

***(10) Where possible, this Regulation should allow for anticipation of events and crises, building on on-going analysis concerning strategically important areas of the Single Market economy and the Union's continuous foresight work.***

***deleted***

**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**

*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-

*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.

*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.

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 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**

*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<sup>1a</sup> and Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>1b</sup>.**

*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.*

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*<sup>1a</sup> 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).*

*<sup>1b</sup> 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 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.*

*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 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*

*Amendment*

(22) *Resilience is key to ensuring that*



*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.*

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

*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 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*

(25) *Information requests to economic operators should be used by the Commission only where the information which is necessary for responding*

*Amendment*

(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*

*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.*

*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*

(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 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*

#### *Amendment*

(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.*

*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, 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*

*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, 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*

*Amendment*

(29) *Representative organisations of*

*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.*

*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 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*

*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 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*



*provide support and advice in relation to the flexibilities in the EU acquis for such purposes.*

*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 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*

*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 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*

*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.*

*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 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) *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 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 and of the Council<sup>41</sup> and Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>42</sup>.*

*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 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.*

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<sup>41</sup> *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).*

<sup>42</sup> *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 powers should be conferred on the Commission as regards activating the*

*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 scientific information, the merits of Member State arguments. It is the task of*

*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.*

*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 accordance with the principle of subsidiarity as set out in Article 5 of the*

*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.*

*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 regions, specifically border regions.*

*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*

*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*

*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*

*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.*

*way, in cooperation with the Board and 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*

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.*

*Amendment*

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*

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.*

*Amendment*

*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 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*.

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 the European Union*.

## 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]<sup>44</sup> 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 countermeasures<sup>45</sup>**;

*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**<sup>45</sup>;

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<sup>44</sup> [reference to adopted Act to be inserted once available]

<sup>45</sup> [reference to adopted Act to be inserted once available]

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<sup>45</sup> **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,**



## 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*

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.

*Amendment*

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*

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

*Amendment*

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*

***(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***

*Amendment*

***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 Council<sup>48</sup>.**

**deleted**

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<sup>48</sup> 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**

**deleted**

*obligations under international law*

**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

(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**

six months;

*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 cannot be substituted or diversified;

*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** 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*

*Amendment*

**Advisory group**

**Internal Market Emergency and Resilience Board**

## **Amendment 81**

**Proposal for a regulation**  
**Article 4 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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*

*Amendment*

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.

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*

*Amendment*

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**

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**.



*Area<sup>49</sup>, 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.*

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<sup>49</sup> 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*

*Amendment*

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:

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*

*Amendment*

(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;

(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) ***assessing*** 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*

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:

*Amendment*

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*

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

*Amendment*

(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*

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

*Amendment*

*deleted*

## Amendment 98

### Proposal for a regulation

#### Article 4 – paragraph 5 – point c

*Text proposed by the Commission*

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

*Amendment*

*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*

*Amendment*

**(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;**

**(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*

*Amendment*

**(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** **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 mode have been fulfilled;

*Amendment*

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

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

**deleted**

**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

*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 **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.

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*

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 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**

*Amendment*

(a) cooperation between national **competent authorities, including those at local and regional level**, and Union level competent authorities for the management

***vigilance and emergency modes across the sectors of the Single Market;***

of the ***internal*** market vigilance and emergency modes;

#### **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*

(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.

#### **Amendment 116**

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

##### **Article 6 – paragraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

***deleted***

#### **Amendment 117**

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

##### **Article 6 – paragraph 2 – point a**

*Text proposed by the Commission*

(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;

*Amendment*

(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*

(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;

*Amendment*

(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

(d) risk and emergency communication, with a coordinating role

for the Commission, ***adequately*** taking into account already existing structures;

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*

*Amendment*

**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.**

**deleted**

**Amendment 124**

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

*Text proposed by the Commission*

*Amendment*

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.**

**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***

*Amendment*

3. In order to determine whether the ***incidents referred to in paragraph 1*** should be the object of an alert, the central

*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:

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*

***Single*** Market Vigilance

*Amendment*

***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,

*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 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.

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 of an implementing act.

#### *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 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

*Amendment*

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.

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*

***Single Market Emergency***

*Amendment*

***Internal market emergency***

## Amendment 157

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

*Text proposed by the Commission*

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:

*Amendment*

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*

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

*Amendment*

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

safety;

the environment and public safety;

#### Amendment 163

##### Proposal for a regulation

##### Article 13 – paragraph 1 – point e

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

(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.

###### *Amendment*

(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*

(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 activities in the ***Single*** Market;

###### *Amendment*

(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 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*

*Amendment*

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.

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, **hall** 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 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**.

#### *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 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 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**

#### *Amendment*

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

*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.*

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

*Amendment*

2. Any ***such*** restriction shall be limited 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).***

*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.

*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 187

### Proposal for a regulation Article 18 – paragraph 3

*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.

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

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

#### *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 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***

*Amendment*

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

*been communicated by means of the 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 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;

*Amendment*

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

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.

*Amendment*

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 **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

*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



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 relevant supply chain disruptions;*

operator referred to in paragraph 1 operates *or* contracts;

## 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

*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.

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*

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 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 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.

*Amendment*

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

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.***

*Amendment*

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

**deleted**

## **Amendment 228**

### **Proposal for a regulation Article 25 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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*

*Amendment*

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.

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 24.

*Amendment*

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

*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***



activities in the *Single* Market

*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*

*Amendment*

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

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*

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.

*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 ***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***

*Amendment*

***deleted***

*Article 24;*

**Amendment 244**

**Proposal for a regulation**

**Article 29 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) three years in the case of 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 of 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*

*Amendment*

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

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

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.

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

*Amendment*

(a) facilitating the expansion or repurposing of existing or the

establishment of new production capacities  
for crisis-relevant goods;

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

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).

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*

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

#### *Amendment*

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

*Amendment*

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.

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*

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.*

*Amendment*

*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*

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.

*Amendment*

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*

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 268**

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

*Text proposed by the Commission*

*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 269**

### **Proposal for a regulation**

#### **Article 37 – paragraph 1 b (new)**

*Text proposed by the Commission*

*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 documents in accordance with Article 9(7) of Regulation (EC) No 1049/2001.***

## Amendment 272

### Proposal for a regulation Article 38 – paragraph 1

*Text proposed by the Commission*

*Amendment*

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 Council<sup>55</sup>.

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 Council<sup>55</sup>. ***The Board may issue recommendations on the coordination of these actions.***

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<sup>55</sup> Directive 2014/24/EU of the European

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<sup>55</sup> 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)..

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 services covered by such procurement by other means.

#### *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 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*

#### ***Article 40***

#### ***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***

#### *Amendment*

***deleted***

***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

***1. By ... [6 months after the entry into force of this Regulation], the Commission***



infrastructures supporting the objectives of this Regulation. Such tools or infrastructures *may* be developed outside the duration of *the Single* Market Emergency.

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*

1. The Commission shall be assisted by **a Single** Market Emergency **Instrument** Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

*Amendment*

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

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.***

*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 ... ***[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*

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

*Amendment*

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*

Entry into force

*Amendment*

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].***

## EXPLANATORY STATEMENT

### 1. Introduction

On 19 September 2022, the European Commission published the proposal for the “Single Market Emergency Instrument” (SMEI) and two legislative proposals with targeted amendments to sectoral legislation. SMEI provides a general framework for EU crisis response in the internal market and complements other sector-specific crisis response mechanisms such as the Union Civil Protection Mechanism and sector-specific crisis frameworks in the areas of health, semiconductors or food security.

SMEI was drawn up in response to the fragmentation of the internal market during the Covid-19 pandemic where ad-hoc, unilateral border closures impinged on the freedom of movement of goods, services and workers, and exacerbated supply chain disruptions. The unprecedented crisis led to a chaotic initial response by the Member States, marked by a lack of coordination and solidarity, and the introduction of unjustified restrictions, without fully taking into consideration their devastating effect on the proper functioning of the internal market. The new instrument provides for a horizontal crisis governance framework to make sure that the internal market remains open and that supply chains are more resilient.

### 2. The Draft Report

The Rapporteur fully supports the objective of the Regulation of safeguarding free movement of goods, workers and services. At the same time, the Rapporteur believes that resilience is key to ensuring that the internal market delivers on its ultimate goal of supporting the EU’s economy. The Rapporteur therefore proposes to **change the title to “Internal Market Emergency and Resilience Act” (IMERA) and to introduce additional changes to strengthen the Union’s resilience**. The Rapporteur welcomes IMERA’s approach to preserving the free movement of goods, services and workers. During the Covid-19 pandemic, the rights of workers and companies as enshrined in the Treaties were disproportionately limited. The Rapporteur would like to highlight that the Treaty freedoms are not suspended in times of crises: unilateral limitations to free movement often even hampered the crisis response, such as limiting the mobility of health workers, hospital machinery maintenance service providers or the availability of food supplies. Therefore, the Rapporteur emphasizes the important role that “Fast lanes” played during the pandemic and highlights that the new instrument should further develop such measures.

During the Covid 19 pandemic and the EU’s response to Russia’s illegal war in Ukraine, the government-led crisis responses were complemented by the rapid adjustments companies made to their supply chains and production lines. The Rapporteur believes that market interventions must remain instruments of last resort, while market-based mechanisms such as procurement and cooperation between the government and the industry are better, faster and more efficient crisis responses.

In view of these considerations, the Rapporteur strengthens some elements, in particular pertaining to resilience and the free movement of workers, goods and services. At the same time, he wants to ensure that during a crisis, the spirit of cooperation and solidarity governs the relationship between governments and companies willing to help.

## 2.2 Resilience during the contingency mode

**The Rapporteur believes that IMERA must increase the resilience of supply chains by fostering cooperation between businesses, the Commission and Member States on a voluntary basis.** The Rapporteur therefore proposes to ensure the crisis-preparedness of all actors through biennial stress tests, trainings and crisis protocols involving not only all relevant national authorities, but also stakeholders such as businesses, social partners and experts.

Companies possess critical knowledge and resources for crisis responses, as highlighted by the Covid pandemic. In the Rapporteur's opinion, the inclusion of companies must be an integral part of any crisis response mechanism. The Rapporteur wants to foster greater involvement of companies by allowing them to provide advice on crisis-measures through an online platform. Moreover, to address common sector-specific vulnerabilities at a European level, the Commission should conduct supply chain stress tests on a voluntary basis, thereby giving both the Commission and businesses the opportunity to develop best practices on supply chain resilience.

The Rapporteur believes that strategic reserves must become a more permanent consideration in increasing the Union's resilience, and increased cooperation and exchange of best practices between the Commission and the Member States is needed. At the same time, the Rapporteur notes that the pro-cyclical creation of reserves during the "Vigilance Mode" or "Emergency Mode" risks increased scarcity, rising prices, affecting competition and the level playing field, and an exacerbation of the situation. Moreover, strategic reserves require established relationships between economic operators and administrative arrangements specific to each sector. Member States are better placed to accomplish that as they already have well-established mechanisms to administer strategic reserves. Therefore, the Rapporteur suggests giving the Commission a permanent role in ensuring coordination, information exchange and promoting solidarity between Member States in the administration of strategic reserves, while removing the empowerment to prescribe mandatory stockpiles during the "Vigilance Mode".

## 2.3 Emergency Mode

The Rapporteur believes that the focus of IMERA during a crisis **must be to safeguard the free movement of goods, services and workers as enshrined in the treaties, especially in case of emergencies.** The Rapporteur proposes to strengthen the elements of the first chapter of the emergency mode and align it with the treaties and with case law. Moreover, the Rapporteur wants to draw more attention to the situation of border regions as they are the most affected by limitations to free movement. Hence, he would like to aim for a unified definition of "working from home".

To the Rapporteur, companies and market forces are central to any crisis response in the Internal Market. While he sees the necessity for priority rated orders, he suggests improvements to provide further leeway to companies and ensure more legal certainty. Since businesses delivered despite uncoordinated actions by public authorities during the pandemic, the Rapporteur suggests more limited and voluntary requests for information. Moreover, to provide legal certainty, the Rapporteur improves the rules governing the use of data and the protection of trade and business secrets, and of intellectual property. Furthermore, the Rapporteur proposes procedural elements to ensure that priority rated orders remain an instrument of last resort and will not endanger the economic viability of companies. Recalling that companies during the

Covid pandemic were under a heavy strain, the Rapporteur suggests adjustments to the sanctions regimes to reflect the lower revenues likely generated during a crisis.

The Rapporteur considers solidarity to be the key for the mutual trust and, ultimately, for the smooth free movement of goods, services and workers. Therefore, he suggests a mechanism whereby Member States may launch a call for solidarity in case of shortages of crisis-relevant goods and services. During Covid, export restrictions and joint procurement pitted EU-members against like-minded neighbours that were equally in need of crisis-relevant goods. To avoid such situations in the future and to strengthen European solidarity, the rapporteur proposes to open up the joint procurement to Andorra, Monaco and San Marino, accession candidate countries and countries of the European Free Trade Area.

### 2.3 Digital Tools and harmonisation of administrative procedures

During the Covid pandemic, nationally divergent requirements and administrative procedures for entering another Member State created great confusion and frustration for citizens, especially workers and service providers, in particular in border regions. **The Rapporteur therefore foresees that the Commission must immediately develop digital tools similar to the successful interoperable Covid-19 certificate to guarantee the functioning of “fast lanes” for critical goods and services.** The Commission must provide a digital portal, covering all registration or authorisation forms for cross-border activities, especially for crisis-relevant declarations similar to Covid Certificates, and for crisis-relevant professional services to accelerate authorisation, registration or declaration procedures.

### 2.4 Governance

Covid highlighted the importance of good cooperation between all governments in the EU's internal market, but also the importance of parliamentary scrutiny. Therefore, the Rapporteur proposes to **model the advisory group after an expert group within the well-known and established rules for such groups, thereby giving the European Parliament and EEA/EFTA countries a more permanent seat at the table as observers.** Given the general nature of IMERA, the Rapporteur also suggests improvement to key definitions, thereby increasing legal certainty and predictability.

## 3. Accompanying proposals

The Rapporteur suggests targeted changes to the two accompanying proposals to make sure that free movement of harmonised and non-harmonised goods is facilitated across the EU. As regards the crisis instruments at the Commission's disposal, the Rapporteur suggests providing a mechanism also for the rapid placing on the market for non-harmonized products, which would have increased the availability of safe personal protection equipment during the Covid pandemic. Furthermore, to incentivize companies to ramp up production during a crisis, the Rapporteur proposes to permit the continued sale of goods that were put on the market under emergency procedures for a limited period of time after the end of the single market emergency, without compromising on the safety of the products.

It is the Rapporteur's belief that IMERA should primarily improve the resilience of the internal market, ensuring constant coordination between Member States and ensuring readiness for the event of sudden shocks at all times. Thereby, in times of crisis, the Internal Market must stay open and functional and protect consumers, workers and businesses alike from emergencies.



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

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

<b>Entity and/or person</b>
Affordable Medicines Europe
APPLiA - Home Appliance Europe
BDA - Bundesvereinigung der Deutschen Arbeitgeberverbände e.V.
BDI - Bundesverband der Deutschen Industrie e.V.
Business Europe
BWL - Bundesamt für wirtschaftliche Landesversorgung der Schweiz
Dutch Ministry of Economic Affairs
Eurochambres
Eurocommerce
France Industrie
Germany Ministry of Climate and Economics
Independent Retail Europe
Mission of the United Kingdom to the European Union
NESA - National Emergency Supply Agency of Finland
Orgalim
Prof. Dr. iur. Jan Bergmann
SME United

## **OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY**

for the Committee on the Internal Market and Consumer Protection

on the 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 (COM(2022)0459 – C9-0315/2022 – 2022/0278(COD))

Rapporteur for opinion (\*): Eva Maydell

(\*) Associated committee – Rule 57 of the Rules of Procedure

### **SHORT JUSTIFICATION**

#### **1. Introduction**

The COVID-19 crisis and Russia's illegal war in Ukraine have presented unprecedented and unique challenges for the Union. As Europe emerges from the crisis, it seeks to learn lessons and put in place mechanisms for dealing with a crisis, and preventing and preparing for one.

Crises can often birth multiple crises: threat to life, economic harm, restrictions to freedom of movement, damage to competitiveness, and vulnerabilities to law and order. Therefore, the “Single Market Emergency Instrument” aims to provide measures and fora for better cooperation and information exchange between Member States and economic operators.

#### **2. The Draft Opinion**

The Single Market has been one of the greatest achievements and assets in the history of the EU, and has created a path to prosperity and growth for many Member States. The Rapporteur fully supports the objective to provide the Single Market with tools to ensure greater resilience and protection – “fail to prepare and prepare to fail”.

When it comes to crisis, prevention will always be better than cure. This therefore, places particular importance upon the role of the Advisory Group in providing foresight and conducting broad and meaningful consultation with representatives of economic operators, stakeholder organisations and experts. Such an approach will help enable the Single Market to safeguard and ensure the continuity of its most precious commodity – the four freedoms.

It is essential the Regulation provide a clear and precise framework of measures that focus on increasing cooperation, communication, and preparedness among Member States and economic operators. It must help ensure business continuity, limit industrial disruption, and make sure the heavy hand of market intervention is a last resort.

Any measures adopted must ensure that they both help protect the functioning of the Single

Market, while enabling the Union to be competitive, innovative, agile, and an attractive place to invest. According to the competences of the ITRE Committee, the Rapporteur has focused on the following Articles:

### **A: Activation:**

Clarity, precision, and proportionality are essential for Member States, economic operators, and workers regarding the vigilance and emergency stage measures.

The vigilance mode should be activated once there is clear evidence and justification for it. Given the serious measures to be taken during this phase, ensuring there are checks and balances in place when activating the mode is essential – including the involvement of the Advisory Group, the drafting of a Single Market Crisis Protection Report and, if necessary, a vote.

The end of the vigilance mode should also provide for reflection, to improve its use in the future. Therefore, a review should be carried out. Extending or deactivating the Vigilance Mode requires further clarity and safeguards around the decision-making process. This is particularly critical for when the prolongation is used as a preventative measure for triggering the Emergency Framework, or if there is a need to end the Vigilance Mode early. To ensure coherence, the Rapporteur has merged Articles 9 and 10.

### **B: Strategic Reserves:**

Given the potentially serious and significant impact on the Single Market, free trade, and business continuity of building strategic reserves, the Rapporteur has sought to include important checks and balances.

There should be a greater role for the Advisory Group to ensure a streamlined, communicative, and collaborative approach in building strategic reserves. Solidarity and effective action can best be secured by ensuring as much transparency and proportionality as possible in the actions taken.

The Rapporteur introduces a new article on ‘Long-Term Strategic Reserve Planning’. This provision utilises a review procedure to provide recommendations as to the necessity and usefulness of Member States and the Commission establishing a long-term plan for maintaining a permanent or phased reserve of goods of strategic importance. This will assist with preventing future shortages and the activation of the vigilance or crisis mode.

### **C: Priority Rated Orders and Procurement:**

There may be occasions when priority rated orders are necessary. However, it is essential that there is a clear process that protects the integrity of the Single Market, the economic health of economic operators, and the future competitiveness of the Union.

It is vital that when priority rated orders are requested, that they are a measure of last resort. Full and due consideration must be given to the ability of, and impact on, economic operators to carry out the order.

Given the significant market intervention that priority orders represent, it is essential that



there is a right to be heard by economic operators, and a larger role for scrutiny, approval, and the resolution of disagreements, for the Advisory Group and economic operators.

#### **D: Digital Tool:**

It is the intention that digital tools shall support the objectives of this Regulation. Therefore, it is important that the Commission ensure sufficient resources and budget for these tasks are provided, and that high levels of data protection and cybersecurity are applied.

There should also be a focus on interoperability and usability, in particular for SMEs and citizens.

### **AMENDMENTS**

The Committee on Industry, Research and Energy calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

#### **Amendment 1**

##### **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 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. ***The Regulation should not restrict national measures on security and defence policy. National defence capabilities must be taken into account when applying proportionate measures in the event of a crisis.***

#### **Amendment 2**

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

##### **Recital 9 – indent 3**

*Text proposed by the Commission*

- 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*

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

**Amendment 3**  
**Proposal for a regulation**  
**Recital 24 a (new)**

*Text proposed by the Commission*

*Amendment*

***(24a) Highlights the importance of the Advisory Group in providing strategic foresight and conducting broad and comprehensive consultations with economic operators, social partners, stakeholder organisations and experts, for the purpose of preventing and tackling a crisis.***

**Amendment 4**  
**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

*Amendment*

(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 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***

(32) Additionally, to ensure crisis-relevant goods are available during the Single Market emergency, the Commission, ***after consulting the Advisory Group***, 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 ***not accept the priority rated order, they shall provide*** legitimate reasons ***as to why*** the request ***cannot be carried out***.

*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 5**  
**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 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.

**Amendment 6**  
**Proposal for a regulation**  
**Recital 39 a (new)**

*Amendment*

(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 strategic reserves that the Member States should maintain, so that the objectives of the initiative are achieved. Furthermore, implementing 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.

*Text proposed by the Commission*

*Amendment*

***(39a) The success of digital tools and their development will depend on the close collaboration between the Commission and Member States, in order to ensure Union wide interoperability of such tools, and where possible and necessary, a common user interface integrated into the existing services, such as Your Europe portal.***

#### **Amendment 7**

##### **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 unexpected and sudden, natural or man-made event of extraordinary nature and scale that takes place inside or outside of the Union; ***that may have a detrimental effect to the functioning of the Single Market, including a significant disruption of supply chains and the freedom of movement of goods, capital, people, and services.***

#### **Amendment 8**

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

##### **Article 3 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) ‘economic operator’ means the manufacturer, authorised representative, importer, distributor, service provider or any other natural or legal person who is subject to obligations in relation to the provision of a service or the manufacture of products, and making them available on the market or putting them into service;***

## Amendment 9

### Proposal for a regulation Article 3 a (new)

*Text proposed by the Commission*

*Amendment*

#### **Article 3a**

##### ***Emergency and Resilience Dialogue***

***In order to enhance the dialogue between the institutions of the Union, in particular the European Parliament, the Council and the Commission, in relation to resilience and the effective response to crises and to ensure greater transparency and accountability, the competent committee of the European Parliament may invite the President of the Council and Commission to appear before the committee to discuss:***

- (a) exchanges of information on all matters falling within the scope of this Regulation;***
- (b) opinions, recommendations and reports adopted by the Advisory Group;***
- (c) crisis protocols and their implementation and their affect on industry and notifications of significant incidents;***
- (d) the activation of the vigilance mode, its extension and deactivation, and the vigilance measures pursuant to Part III of this Regulation, and notifications submitted by the Member States during the vigilance mode;***
- (e) the outcome of the internal market protection and resilience assessments report under Article 9 of this Regulation.***
- (f) the activation of the emergency mode, its extension and deactivation, and the measures for upholding, re-establishing and facilitating the free movement of goods, services and persons;***
- (g) priority rated orders pursuant to Article 27 of this Regulation;***

*(h) the procurement of goods and services of strategic importance and crisis-relevant goods;*

*(i) any further initiatives, decisions or measures taken under this regulation. 2.*

*The competent committee of the European Parliament may offer the opportunity to a concerned Member State to participate in an exchange of views. 3. The Council and the Commission shall regularly inform the European Parliament of the application of this Regulation.*

**Amendment 10**  
**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 advisory group shall be composed of one representative from each Member State ***and a representative of the European Parliament***. Each Member State shall nominate a ***high-level*** representative and an alternate representative.

**Amendment 11**  
**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 Area<sup>49</sup>, 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

*Amendment*

3. The Commission shall chair the advisory group and ensure its secretariat. The Commission may invite representatives of EFTA States that are contracting parties to the Agreement on the European Economic Area<sup>49</sup>, 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

to the relevant meetings of the advisory group.

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<sup>49</sup> OJ L 1, 3.1.1994, p. 3.

relevant meetings of the advisory group.

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<sup>49</sup> OJ L 1, 3.1.1994, p. 3.

#### **Amendment 12**

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

##### **Article 4 – paragraph 5 – point c**

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

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

###### *Amendment*

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

#### **Amendment 13**

##### **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 14**

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

##### **Article 4 – paragraph 5 – point f a (new)**

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

###### *Amendment*

***(fa) Identify supply chains, and crisis goods and services within the Single Market that are of strategic importance and necessary for the maintenance of vital societal or economic activities. This task shall be performed as part of the crisis preparedness and single market protection report drawn up in article 9.***

**Amendment 15**  
**Proposal for a regulation**  
**Article 4 – paragraph 9**

*Text proposed by the Commission*

9. The advisory group may adopt opinions, recommendations or reports in the context of its tasks set out in paragraphs 4 to 6.

*Amendment*

9. The advisory group may adopt opinions, recommendations or reports in the context of its tasks set out in paragraphs 4 to 6. ***The minutes of the Advisory Group meetings shall be made available to the Council and the European Parliament as soon as they have been approved.***

**Amendment 16**  
**Proposal for a regulation**  
**Article 4 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***9a. The Advisory Group shall ensure confidentiality of information and data obtained in carrying out their tasks and activities in such a manner as to protect intellectual property rights, commercially sensitive data, and trade secrets as defined in EU Law.***

**Amendment 17**  
**Proposal for a regulation**  
**Article 4 – paragraph 9 b (new)**

*Text proposed by the Commission*

*Amendment*

***9b. In order to enhance the dialogue between the institutions of the Union in the context of the Single Market Emergency Instrument, and to ensure greater transparency, accountability and coordination, the competent committee of the European Parliament may invite the Commission in its capacity as Chair of the Advisory Group to appear before the committee to provide information on all matters falling within the scope of this***



*regulation.*

**Amendment 18**  
**Proposal for a regulation**  
**Article 4 – paragraph 9 c (new)**

*Text proposed by the Commission*

*Amendment*

**9c. The Commission shall ensure that the European Parliament is regularly informed regarding the application of this Regulation.**

**Amendment 19**  
**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 and social partners, including SMEs, on their initiatives and actions to mitigate and respond to potential supply chain disruptions and overcome potential shortages **and disruptions** of goods and services in the Single Market;

**Amendment 20**  
**Proposal for a regulation**  
**Article 8 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 21**  
**Proposal for a regulation**  
**Article 9 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Where the Commission, **taking into consideration the opinion provided by the**

1. Where the Commission **becomes aware** that the threat referred to in Article

*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:*

*3, point (2)* is present, *the Commission* shall *consult with the Advisory Group and provide concrete and reliable evidence as to the need to activate the Vigilance Mode. The Commission shall propose to the Council* to activate the Vigilance Mode for a maximum of six months.

*The Council, acting by qualified majority, may activate the vigilance mode* by means of *a Council* implementing act.

#### **Amendment 22**

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

##### **Article 9 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

#### **Amendment 23**

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

##### **Article 9 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

#### **Amendment 24**

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

##### **Article 9 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) the vigilance measures to be taken.*

*deleted*

#### **Amendment 25**

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

##### **Article 9 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*2. The implementing act referred to*

*deleted*

*in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 41(2).*

**Amendment 26**  
**Proposal for a regulation**  
**Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. Upon activation of the vigilance mode, the Council implementing act shall be accompanied by a Crisis Preparation and Single Market Protection Report, drawn up by the Commission and the Advisory Group.**

***The report shall lay out:***

- (a) why the crisis is of critical importance to the Union and its Member States;***
- (b) the necessity and proportionality of the vigilance mode;***
- (c) the anticipated impact on the Single Market and the period of time before the threat escalates into a Single Market Emergency;***
- (d) the potential impact of the crisis on fundamental rights, public health and public security;***
- (e) the estimated cost and resources required during the vigilance mode;***
- (f) a list of the goods and services of strategic importance whose functioning and/or supply is at risk of being significantly disrupted;***
- (g) the specific recommendations for preventive measures and remedial actions;***
- (h) which Member States most likely to be affected by the crisis;***
- (i) the impact of measures taken on workers and citizens;***
- (j) third countries who are involved in the***

*current supply chain under threat.*

*The report shall be provided to the European Parliament without undue delay.*

**Amendment 27**  
**Proposal for a regulation**  
**Article 9 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. If necessary and proportionate, and if the reasons for activating the vigilance mode pursuant to Article 9 (1) are still valid, the Commission, in consultation with the Advisory Group, shall propose to the Council that the vigilance mode shall be extended for a maximum of six months. The Council, acting by qualified majority, may extend the vigilance mode by means of a Council implementing act.**

**Amendment 28**  
**Proposal for a regulation**  
**Article 9 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. An additional Crisis Preparation and Single Market Protection Report shall be produced each time the vigilance mode is extended. The vigilance mode shall not be extended more than twice. The extension of the vigilance mode shall be approved only on the basis of clear evidence as regards the necessity and proportionality of the extension.**

**Amendment 29**  
**Proposal for a regulation**  
**Article 9 – paragraph 2 d (new)**

*Text proposed by the Commission*

*Amendment*

**2d. When extending the Vigilance Mode, specific consideration shall be given to whether strategic reserves require building further, and whether the extension of the vigilance mode could help to avoid the activation of the emergency mode. The activation of the emergency mode is to be used as a measure of a last resort.**

**Amendment 30**  
**Proposal for a regulation**  
**Article 9 – paragraph 2 e (new)**

*Text proposed by the Commission*

*Amendment*

**2e. Where the Commission, after consultation with 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, the Commission shall propose to the Council to deactivate the Single Market vigilance mode. The Council, acting by qualified majority, may deactivate the vigilance mode by means of a Council implementing act.**

**Amendment 31**  
**Proposal for a regulation**  
**Article 9 – paragraph 2 f (new)**

*Text proposed by the Commission*

*Amendment*

**2f. Not later than six months after the end of the duration of the vigilance mode, the Commission shall present to the Advisory Group a report detailing the lessons learned from the measures adopted to address the Single Market Emergency. The report shall be used for the purpose of the review provided for in Article 44. The Commission shall also update the criteria for the monitoring referred to in Article 11, to reflect the**

*findings of this report.*

*The report shall also assess the necessity for long-term strategic reserve planning. The Commission shall make this report available to the Council and to the European Parliament.*

**Amendment 32**  
**Proposal for a regulation**  
**Article 9 – paragraph 2 g (new)**

*Text proposed by the Commission*

*Amendment*

**2g.** *In order to ensure the greatest possible degree of transparency and accountability, the relevant European Parliament committees may invite the ‘responsible Commissioners’ to present information about the state of play of the vigilance mode and the content of the ‘crisis preparation and Single Market Protection report’.*

**Amendment 33**  
**Proposal for a regulation**  
**Article 9 – paragraph 2 h (new)**

*Text proposed by the Commission*

*Amendment*

**2h.** *Before the adoption of any implementing act pursuant to this Regulation, and taking its urgency into account, the Council shall invite the European Parliament to submit their comments within a reasonable timeframe.*

**Amendment 34**  
**Proposal for a regulation**  
**Article 10**

*Text proposed by the Commission*

*Amendment*

*Article 10*

*deleted*

*Extension and deactivation*

***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.***

***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 of an implementing act.***

***3. Implementing acts referred to in paragraphs 1 and 2 shall be adopted in accordance with the examination procedure referred to in Article 42(2).***

#### **Amendment 35**

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

##### **Article 12 – paragraph 1 – subparagraph 1**

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

The Commission may, among the goods of strategic importance listed in an implementing act adopted pursuant to Article 9(1), identify those for which it may be necessary to build a reserve in order to prepare for a Single Market emergency, taking into account the probability and impact of shortages. The Commission shall ***inform the*** Member States ***thereof***.

###### *Amendment*

The Commission, ***after consulting with the Advisory Group, relevant economic operators, and where appropriate and necessary, third countries***, may among the goods of strategic importance listed in an implementing act adopted pursuant to Article 9(1), identify those for which ***a shortage is possible and*** it may be necessary ***for Member States*** to build a reserve in order to prepare for ***or prevent*** a Single Market emergency, taking into account the probability and impact of shortages. The Commission shall ***provide that information to*** Member States, ***the Council and the European Parliament***.

#### **Amendment 36**

## Proposal for a regulation

### Article 12 – paragraph 2 – subparagraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

***The Commission may require, by means of implementing acts, that the*** Member States provide information on the goods listed in an implementing act adopted pursuant to Article 9(1), as regards all of the following:

Member States ***shall*** provide information ***to the Commission and the Advisory Group*** on the goods listed in an implementing act adopted pursuant to Article 9(1), as regards all of the following:

## Amendment 37

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) ***the*** current ***stock*** in their territory;

(a) current ***reserves*** in their territory;

## Amendment 38

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

(aa) ***existing and anticipated shortages;***

## Amendment 39

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 1 – point a b (new)

*Text proposed by the Commission*

*Amendment*

(ab) ***existing or pending plans to increase reserves;***

## Amendment 40

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 1 – point a c (new)

*Text proposed by the Commission*

*Amendment*

(ac) ***existing actions to increase***



*reserves;*

**Amendment 41**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) *any* potential for further purchase;

(b) potential for further purchase;

**Amendment 42**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *any* options for alternative supply;

(c) options for alternative supply *or substitute goods*;

**Amendment 43**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) *further information that could ensure the availability of such goods.*

*deleted*

**Amendment 44**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) existing bilateral agreements as regards supply with another Member State;*

**Amendment 45**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(db) existing agreements or obligations with third countries regarding the supply of goods listed;***

**Amendment 46**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d c (new)**

*Text proposed by the Commission*

*Amendment*

***(dc) current demand for supply;***

**Amendment 47**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d d (new)**

*Text proposed by the Commission*

*Amendment*

***(dd) expected demand for supply in the short and medium term;***

**Amendment 48**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d e (new)**

*Text proposed by the Commission*

*Amendment*

***(de) Current or potential shortages of labour force related to the production of goods listed;***

**Amendment 49**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d f (new)**

*Text proposed by the Commission*

*Amendment*

***(df) The estimated financial and societal costs and impact associated with building a reserve of the goods listed for both Member States and economic operators, and in particular SMEs;***

**Amendment 50**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 1 – point d g (new)**

*Text proposed by the Commission*

*Amendment*

**(dg) the potential negative impact on the free movement of goods, services and persons.**

**Amendment 51**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

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

**deleted**

**Amendment 52**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

**Member States shall report to the Commission the levels of strategic reserves of goods of strategic importance held by them, and the levels of other stocks of such goods held on their territory.**

**deleted**

**Amendment 53**

**Proposal for a regulation**

**Article 12 – paragraph 2 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**Confidential information shall be treated in line with existing EU guidelines and laws.**

**Amendment 54**  
**Proposal for a regulation**  
**Article 12 – paragraph 3**

*Text proposed by the Commission*

3. Taking due account **of** stocks held or being built up by economic operators on **their territory**, Member States shall **deploy their best efforts to** build up strategic reserves of the goods of strategic importance identified in accordance with paragraph 1. The Commission shall provide support to Member States to coordinate and streamline their efforts.

*Amendment*

3. Taking due account **for** stocks held or being built up by economic operators on **their territory**, Member States, **where necessary, technically and economically possible**, shall build up strategic reserves of the goods of strategic importance identified in accordance with paragraph 1. **Where requested by Member States**, the Commission shall provide support to Member States to coordinate and streamline their efforts.

**Amendment 55**  
**Proposal for a regulation**  
**Article 12 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Where **the building of strategic reserves of goods of strategic importance identified pursuant to paragraph 1 can be rendered more effective by streamlining among Member States**, the Commission **may draw up and regularly update, by means of implementing acts**, a list of individual targets **regarding the quantities and the deadlines for those strategic reserves that the Member States should maintain**. When setting the individual targets for each Member State, the Commission shall take into account:

*Amendment*

4. Where **appropriate and necessary** the Commission **after consulting with the Advisory Group may establish** a list of **recommended** individual targets **for** Member States. When setting the individual targets for each Member State, the Commission **and the Advisory Group** shall take into account:

**Amendment 56**  
**Proposal for a regulation**  
**Article 12 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) the level of existing stocks of the economic operators and strategic reserves across the Union, **and any information on**

*Amendment*

(b) the level of existing stocks of the economic operators and strategic reserves

*economic operators' ongoing activities to increase their stocks;*

across the Union;

#### **Amendment 57**

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

##### **Article 12 – paragraph 4 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) actions taken to increase stocks by the Member States and across the Union;**

#### **Amendment 58**

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

##### **Article 12 – paragraph 4 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the costs for building and maintaining such strategic reserves.

(c) The **financial** costs **for Member States** for building and maintaining such strategic reserves;

#### **Amendment 59**

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

##### **Article 12 – paragraph 4 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) The financial costs and negative impact on economic operators;**

#### **Amendment 60**

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

##### **Article 12 – paragraph 4 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) the impact on Union competitiveness, inward investment to the Single Market, and economic operators in that Member State.**

#### **Amendment 61**

**Proposal for a regulation**  
**Article 12 – paragraph 5**

*Text proposed by the Commission*

5. The Member States shall regularly inform the Commission about the current state of their strategic reserves. Where a Member State has reached the individual targets referred to in paragraph 4, it shall inform the Commission if it has at its disposal any stocks of the goods in question in excess of their target. ***The Member States whose reserves have not reached the individual targets shall explain to the Commission the reasons for this situation. The Commission shall facilitate cooperation between the Member States which have already reached their targets and the other Member States.***

*Amendment*

5. The Member States shall regularly, ***and where necessary at an agreed interval,*** inform the Commission ***and the Advisory Group*** about the current state of their strategic reserves. Where a Member State has reached the individual targets referred to in paragraph 4, it shall inform the Commission ***and the Advisory Group*** if it has at its disposal any stocks of the goods in question in excess of their target ***or if their proposed targets have not been met. Where necessary and proportionate,*** the Commission ***and Advisory Group*** shall ***provide recommendations on how to address any remaining shortfalls.***

**Amendment 62**  
**Proposal for a regulation**  
**Article 12 – paragraph 6**

*Text proposed by the Commission*

***Where the strategic reserves of a Member State continuously fall significantly short of the individual targets referred to in paragraph 4 and economic operators on its territory are not able to compensate that shortfall, the Commission may, at its own initiative or at the request of 14 Member States, assess the need to take further measures to build up strategic reserves of goods of strategic importance identified pursuant to paragraph 1.***

***Following such an assessment, where the Commission establishes, supported by objective data, that***

***(a) the needs for the good in question remain unchanged or have increased compared to the situation at the time the target referred to in paragraph 4 was first set or last amended pursuant to***

*Amendment*

***deleted***

*paragraph 4,*

*(b) access to the concerned good is indispensable to ensure preparedness for a Single Market emergency*

*(c) the Member State concerned has not provided sufficient evidence to explain the failure to meet the individual target, and*

*(d) exceptional circumstances exist, in that the failure by that Member State, considering its importance to the supply chain concerned, to build up such strategic reserves gravely imperils the Union's preparedness in the face of an impending threat of a Single Market emergency,*

*the Commission may adopt an implementing act, requiring the Member State in question to build up its strategic reserves of the goods concerned by a set deadline.*

#### **Amendment 63**

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

##### **Article 12 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

When acting under this Article, the Commission shall seek to ensure that *the* building up of strategic reserves does not create *a* disproportionate strain on the supply chains of the goods identified in accordance to paragraph 1, *or on* the fiscal capacity of the Member State concerned.

*Amendment*

When acting under this Article, the Commission *and the Advisory Group* shall seek to ensure that *recommendations for* building up of strategic reserves does not create *unjustified and* disproportionate strain on the supply chains of the goods identified, in accordance to paragraph 1; *and the competitiveness and capacity of the Single Market, Union industrial sectors, labour market, and* the fiscal capacity of the Member State concerned.

#### **Amendment 64**

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

##### **Article 12 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The Commission shall take fully into account any national security concerns raised by Member States.

The Commission shall take fully into account any ***public health, safety and*** national security concerns, ***and any other relevant factors*** raised by Member States.

**Amendment 65**  
**Proposal for a regulation**  
**Article 12 – paragraph 8**

*Text proposed by the Commission*

**8.      *The implementing acts referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 42(2).***

*Amendment*

***deleted***

**Amendment 66**  
**Proposal for a regulation**  
**Article 12 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 12a***

***Long-term Strategic Reserves of Critical Importance***

***1. In order to minimise disruption to the Single Market and to the Union's industrial production capabilities and competitiveness, the outcome of the review provided for in Article 9(2c) shall include recommendations as regards the necessity, proportionality and usefulness of Member States and the Commission establishing a long-term plan for maintaining permanent, phased, and voluntary strategic reserves of goods of strategic importance, in order to help prevent future shortages and the activation of the vigilance or emergency mode.***

***2. Due consideration shall be given to the costs and practicalities of building and maintaining such long-term or phased strategic reserves. Consideration shall also be given to the possible need for***



*better cooperation, coordination and information exchange between Member States, economic operators, and where relevant third countries, in order to increase the resilience of the Single Market, improve the reliability of global supply chains in times of crisis or the run-up to a crisis, and to ensure that market intervention is a method of a last resort. The Commission may, where requested by Member States, coordinate this process.*

*3. Member States shall seek to strengthen the Union's supply-chain resilience and reduce third country dependencies for goods and services of strategic importance, including by developing manufacturing capacities in the Union where appropriate.*

*4. 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.*

**Amendment 67**  
**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 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. ***The Commission shall inform the European Parliament of such a proposal without delay.***

**Amendment 68**  
**Proposal for a regulation**  
**Article 27 – paragraph 1**

*Text proposed by the Commission*

1. The Commission may invite one or

*Amendment*

1. ***Where necessary and***

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').

***proportionate and as a measure of last resort, the Commission, after consultation with the Advisory Group, 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'). The request to fulfil a priority order shall be based on objective and up-to-date data and information, and shall be accompanied by a detailed justification.***

**Amendment 69**  
**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 and prioritise priority rated orders, the Commission, ***in consultation with the Advisory Group***, shall give the economic operator concerned, as well as any parties demonstrably affected by the potential priority rated order, the ***right to be heard and to provide explanation as to why the request will not be carried out.***

**Amendment 70**  
**Proposal for a regulation**  
**Article 27 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The economic operator referred to in paragraph 2 shall provide to the Commission within 10 days from the notification of the request, 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 request.**

**Such reasons shall include the inability of the operator to perform the priority rated order on account of insufficient production capacity, technical grounds, a serious risk that accepting the order would entail particular hardship or economic burden for the operator including risk in business continuity, or other considerations of comparable gravity.**

**Amendment 71**  
**Proposal for a regulation**  
**Article 27 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. If the Commission, after its consultation with the Advisory Group and the examination of the economic operator's reasoned explanation, believes that the grounds for refusing the priority order are insufficient, then in serious and duly justified cases where an alternative solution cannot be found, the economic operator may be subject to the fines referred to in Article 28. Any further action shall be determined by national law.**

**Amendment 72**

**Proposal for a regulation**  
**Article 27 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. 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.**

**deleted**

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

**Amendment 73**  
**Proposal for a regulation**  
**Article 27 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. When an economic operator established in the Union is subject to a measure of a third country which entails a priority rated order, it shall inform the Commission thereof.**

**5. When an economic operator established in the Union is subject to a measure of a third country, which entails a priority rated order, it shall inform the Commission thereof. *The Member State concerned and the Commission shall engage in dialogue with the third country in order to seek an amicable and managed outcome in order to limit or prevent long-term damage to the economic operator.***

**Amendment 74**  
**Proposal for a regulation**  
**Article 27 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. The Commission may work with the Advisory Group and where relevant with third countries, to exchange best practices with regard to the future application of priority rated orders.**

**Amendment 75**  
**Proposal for a regulation**  
**Article 27 – paragraph 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**6b. The Commission may work together with the Member States to help them introduce or improve other incentives applied to the economic operators carrying out a priority rated order, in particular for SMEs.**

**Amendment 76**  
**Proposal for a regulation**  
**Article 27 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**7a. Entities and persons affected by the necessary breach of the contractual obligations for compliance with the required prioritization shall not be liable for any breach of contractual obligations derived from the original breach.**

**Amendment 77**  
**Proposal for a regulation**  
**Article 27 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8.** *The implementing acts referred to in paragraph 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).* *deleted*

**Amendment 78**  
**Proposal for a regulation**  
**Article 27 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a.** *The Commission shall ensure that there is full coherence and operational continuity with other existing Union law that require priority rated orders and procurement orders during crises. Where appropriate, the Advisory Group shall consult the Management and Advisory Boards and Groups established under other existing Union law.*

**Amendment 79**  
**Proposal for a regulation**  
**Article 27 – paragraph 8 b (new)**

*Text proposed by the Commission*

*Amendment*

**8b.** *Priority Rated Orders as requested under this Regulation, are without prejudice to Article 5(3) of the Treaty on European Union (TEU) and Protocol (No 2) on the application of the principles of subsidiarity and proportionality.*

**Amendment 80**  
**Proposal for a regulation**  
**Article 28 – paragraph 1 – point a**

*Text proposed by the Commission*

(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;

*Amendment*

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

**Amendment 81**

**Proposal for a regulation**

**Article 28 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) where an economic operator, intentionally or through gross negligence, does not comply with the obligation to inform the Commission of a third country obligation pursuant to Article 27 ***or fails to explain why it has not accepted a priority rated order;***

*Amendment*

(b) where an economic operator, intentionally or through gross negligence, does not comply with the obligation to inform the Commission of a third country obligation pursuant to Article 27.

**Amendment 82**

**Proposal for a regulation**

**Article 28 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. Fines imposed in the cases referred to in paragraph 1 (a) and (b) shall not exceed ***a maximum of*** 200 000 EUR. ***If the economic operator concerned is an SME, the penalty payments imposed shall not exceed a maximum of 50 000 EUR.***

**Amendment 83**

**Proposal for a regulation**

**Article 28 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. If the economic operator concerned is an SME, the penalty payments imposed shall not exceed 0,5 % of total turnover in the preceding business year.**

**Amendment 84**  
**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, regard shall be had to:

**(a) the size and economic resources of the economic operator concerned;**

**(b) the nature, gravity and duration of the infringement;**

**(c) any previous negative decisions taken in the context of this Regulation or another Union crisis measure;**

**(d) any positive actions taken in the context of this Regulation or another Union crisis measure;**

**(e) whether there was an intention not to comply with the requirements of this Regulation;**

**(f) the impact such a fine would have on the economic health of the economic operator and their business continuity.**

**When fixing the amount of the fine referred to in the first subparagraph, due account shall be taken of the principles of proportionality and appropriateness of the level of fine in question.**

**Amendment 85**  
**Proposal for a regulation**



## Article 29 – paragraph 2

### *Text proposed by the Commission*

2. The time shall begin to run on the day on which the ***Commission becomes aware of the*** infringement. However, in case of continuous or repeated infringements, time shall begin to run on the day on which the infringement ceases

### *Amendment*

2. The time shall begin to run on the day on which the infringement ***was committed***. However, in case of continuous or repeated infringements, time shall begin to run on the day on which the infringement ceases.

## Amendment 86

### Proposal for a regulation

#### Article 30 – paragraph 1

### *Text proposed by the Commission*

1. The power of the Commission to enforce decisions taken pursuant to Article 28 shall be subject to a limitation period of ***five*** years.

### *Amendment*

1. The power of the Commission to enforce decisions taken pursuant to Article 28 shall be subject to a limitation period of ***three*** years.

## Amendment 87

### 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 or representative organisations concerned the opportunity of being heard on:

## Amendment 88

### 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

### *Amendment*

4. The rights of defence of the economic operator or representative organisations concerned shall be fully respected in any proceedings. The economic operator or representative

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.

organisations 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. Nothing in this paragraph shall prevent the Commission from disclosing and using information necessary to prove an infringement.

**Amendment 89**  
**Proposal for a regulation**  
**Article 34 – paragraph 1**

*Text proposed by the Commission*

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).*

*Amendment*

1. ***The Commission may, upon the request of*** two or more Member States, ***act as a central purchasing body*** on behalf of ***all*** Member States ***willing to participate ('participating Member States')*** for the ***public procurement*** 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.

**Amendment 90**  
**Proposal for a regulation**  
**Article 34 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The request to the Commission to procure goods and services on the behalf of Member States, shall set out the reasons for the request, and shall***

*demonstrate that the request is used exclusively to address supply chain disruptions and shortages of goods and services related to the specific emergency situation within the Single Market, and that all other options have been considered.*

**Amendment 91**  
**Proposal for a regulation**  
**Article 34 – paragraph 2**

*Text proposed by the Commission*

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

*Amendment*

2. The Commission shall **consult with the Advisory Group to** assess the utility, necessity and proportionality of the request.

**Amendment 92**  
**Proposal for a regulation**  
**Article 34 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. In the event the Commission in consultation with the Advisory Group decides that the Commission should not follow the request, it shall inform the Member States concerned and give reasons for its refusal in the form of a written explanation outlining its decision.**

**Amendment 93**  
**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*

*Amendment*

3. **When a positive decision is made,** the Commission shall draw up a proposal for a framework agreement to be concluded with the participating Member

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.

States allowing the Commission to procure on their behalf. This agreement shall lay down the detailed conditions, ***practical arrangements, and the rules of decision making*** for the procurement on behalf of the participating Member States referred to in paragraph 1, ***including justification as regards the use of the procurement of goods and services by the Commission on behalf of the Member States concerned, including mechanisms and liabilities to be assumed. Upon agreement of carrying out the procurement, the Commission shall launch a call for other Member States who wish to participate in the procurement procedure.***

**Amendment 94**  
**Proposal for a regulation**  
**Article 34 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Procurement under this Regulation shall be carried out by the Commission in accordance with the rules set out in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>1</sup> (the Financial Regulation) for its own procurement. The Commission may have the ability and responsibility, on behalf of all participating Member States, to enter into contracts with economic operators, including individual producers of crisis-relevant products, concerning the purchase of such products or concerning the financing of the production or the development of such products in exchange for a priority right to the result.***

**Amendment 95**  
**Proposal for a regulation**  
**Article 34 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. The Commission shall carry out the procurement procedures and conclude the contracts with economic operators on behalf of the participating Member States. The Commission shall invite the participating Member States to appoint representatives to take part in the preparation of the procurement procedures.**

**The deployment of procurement pursuant to this Article is without prejudice to other instruments provided in the Financial Regulation.**

**Amendment 96**  
**Proposal for a regulation**  
**Article 34 – paragraph 3 c (new)**

*Text proposed by the Commission*

*Amendment*

**3c. If the Commission is unable to award the contract to a suitable economic operator, the Commission shall immediately inform the Member States, and therefore, Member States shall have a right to initiate their own procurement processes without delay.**

**Amendment 97**  
**Proposal for a regulation**  
**Article 34 – paragraph 3 d (new)**

*Text proposed by the Commission*

*Amendment*

**3d. When Member States become aware of a change in circumstance after the framework agreement is concluded between the Commission and the Member States, the Commission shall be duly notified in a timely manner. If such changes have a significant effect on the original agreement, the European Commission shall review the decision, and if necessary amend or terminate the agreement.**

**Amendment 98**  
**Proposal for a regulation**  
**Article 34 – paragraph 3 e (new)**

*Text proposed by the Commission*

*Amendment*

**3e. Where the Commission procures crisis relevant goods and services on behalf of participating Member States, this shall be without prejudice to the procurement of non-participating Member States.**

**Amendment 99**  
**Proposal for a regulation**  
**Article 35 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The European Commission shall provide written explanation to the Advisory Group, the European Parliament, and the Council, detailing the reasons for the economic operator chosen to fulfil the procurement contract.**

**Amendment 100**  
**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 become a party to the contract after it has been signed, laying out in detail the procedure for doing so and its effects.

**Amendment 101**  
**Proposal for a regulation**  
**Article 38 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

When the Single Market emergency mode

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 Council<sup>55</sup>.

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<sup>55</sup> 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)..

has been activated pursuant to Article 14, Member States, the Commission, and the advisory group ***shall coordinate and consult*** 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 Council <sup>55</sup>.

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<sup>55</sup> 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 102**  
**Proposal for a regulation**  
**Article 39 – title**

*Text proposed by the Commission*

***Ban of*** individual procurement action by participating Member States

*Amendment*

Individual procurement action by participating Member States

**Amendment 103**  
**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 services covered by such procurement by other means.

*Amendment*

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 services covered by such procurement by other means ***without informing the Commission and the Advisory Group.***

**Amendment 104**  
**Proposal for a regulation**  
**Article 41 – paragraph 1**

*Text proposed by the Commission*

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.

*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 ***shall*** be developed outside the duration of the Single Market Emergency, ***in order to be prepared to respond to possible future emergencies in a timely and efficient manner.***

**Amendment 105**  
**Proposal for a regulation**  
**Article 41 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall seek to make any digital tools compatible with existing structures already established by Member States, ensuring the highest levels of interoperability in the Union's digital tools in order to avoid duplication of system requirements and any additional administrative burden, so that all citizens, businesses and administrations, in all Member States, can benefit from these digital tools.***

**Amendment 106**  
**Proposal for a regulation**  
**Article 41 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***These digital tools shall be user friendly, accessible through various electronic devices, and developed and optimised for different web browsers.***

**Amendment 107**



**Proposal for a regulation**  
**Article 41 – paragraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall ensure that the highest levels of cybersecurity and data protection are employed in the development and operation of any digital tools.***

**Amendment 108**  
**Proposal for a regulation**  
**Article 41 – paragraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

***Special consideration shall be given to SMEs and citizens in order to prioritise the accessibility and usability of any digital tools and digital systems developed.***

**Amendment 109**  
**Proposal for a regulation**  
**Article 41 – paragraph 1 e (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall ensure through budgetary means that digital tools are adequately funded and resourced.***

**Amendment 110**  
**Proposal for a regulation**  
**Article 41 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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).

The Commission shall, by means of implementing acts, set out the technical aspects ***applicable standards and interoperability requirements*** of such tools or infrastructures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in

Article 42(2).

**Amendment 111**  
**Proposal for a regulation**  
**Article 44 – title**

*Text proposed by the Commission*

Report *and* review

*Amendment*

Report, review *and transparency*

**Amendment 112**  
**Proposal for a regulation**  
**Article 44 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. When implementing this Regulation, all actors shall act with the greatest possible degree of transparency, taking into account the protection of trade secrets, business confidentiality, and security related matters.**

**Amendment 113**  
**Proposal for a regulation**  
**Article 44 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2b. The Commission shall inform the European Parliament in a timely and correct manner, in particular when Members of the European Parliament ask written questions.**

**Amendment 114**  
**Proposal for a regulation**  
**Article 44 – paragraph 2 c (new)**

*Text proposed by the Commission*

*Amendment*

**2c. The Commission shall give due consideration to the opinions of the European Ombudsman, especially where they relate to transparency of decision-**

*making. Where the Commission does not follow those opinions, it will duly justify this in a report and submit it to the Council and the Parliament.*

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Establishing a Single Market emergency instrument and repealing Council Regulation No (EC) 2679/98
<b>References</b>	COM(2022)0459 – C9-0315/2022 – 2022/0278(COD)
<b>Committee responsible</b> Date announced in plenary	IMCO 9.11.2022
<b>Opinion by</b> Date announced in plenary	ITRE 15.12.2022
<b>Associated committees - date announced in plenary</b>	20.4.2023
<b>Rapporteur for the opinion</b> Date appointed	Eva Maydell 15.12.2022
<b>Discussed in committee</b>	25.4.2023
<b>Date adopted</b>	12.6.2023
<b>Result of final vote</b>	<div style="display: flex; justify-content: space-between;"> <span>+: 37</span> </div> <div style="display: flex; justify-content: space-between;"> <span>–: 6</span> </div> <div style="display: flex; justify-content: space-between;"> <span>0: 19</span> </div>
<b>Members present for the final vote</b>	François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Marc Botenga, Jerzy Buzek, Maria da Graça Carvalho, Ignazio Corrao, Beatrice Covassi, Ciarán Cuffe, Nicola Danti, Marie Dauchy, Christian Ehler, Valter Flego, Claudia Gamon, Jens Geier, Bart Groothuis, Christophe Grudler, Henrike Hahn, Ivo Hristov, Ivars Ijabs, Seán Kelly, Izabela-Helena Kloc, Zdzisław Krasnodębski, Miapetra Kumpula-Natri, Eva Maydell, Georg Mayer, Marina Mesure, Dan Nica, Angelika Niebler, Johan Nissinen, Mauri Pekkarinen, Mikuláš Peksa, Tsvetelina Penkova, Morten Petersen, Clara Ponsatí Obiols, Manuela Ripa, Sara Skyttedal, Maria Spyraiki, Beata Szydło, Grzegorz Tobiszowski, Evžen Tošenovský, Henna Virkkunen, Pernille Weiss
<b>Substitutes present for the final vote</b>	Alex Agius Saliba, Andrus Ansip, Marek Paweł Balt, Damien Carême, Matthias Ecke, Martin Hojsík, Andrius Kubilius, Elena Lizzi, Dace Melbārde, Marcos Ros Sempere, Jordi Solé, Marion Walsmann
<b>Substitutes under Rule 209(7) present for the final vote</b>	Asim Ademov, Rosanna Conte, Estrella Durá Ferrandis, Andrey Kovatchev, Andrey Novakov, Jan-Christoph Oetjen, Tom Vandenkendelaere

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

37	+
ECR	Izabela-Helena Kloc, Zdzisław Krasnodębski, Johan Nissinen, Beata Szydło, Grzegorz Tobiszowski, Evžen Tošenovský
PPE	Asim Ademov, François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Jerzy Buzek, Maria da Graça Carvalho, Christian Ehler, Seán Kelly, Andrey Kovatchev, Andrius Kubilius, Eva Maydell, Dace Melbārde, Angelika Niebler, Andrey Novakov, Sara Skyttedal, Maria Spyrali, Tom Vandenkendelaere, Henna Virkkunen, Marion Walsmann, Pernille Weiss
Renew	Andrus Ansip, Nicola Danti, Valter Flego, Claudia Gamon, Bart Groothuis, Christophe Grudler, Martin Hojsik, Ivars Ijabs, Jan-Christoph Oetjen, Mauri Pekkarinen, Morten Petersen

6	-
ID	Rosanna Conte, Marie Dauchy, Elena Lizzi, Georg Mayer
The Left	Marc Botenga, Marina Mesure

19	0
NI	Clara Ponsatí Obiols
S&D	Alex Agius Saliba, Marek Paweł Balt, Beatrice Covassi, Estrella Durá Ferrandis, Matthias Ecke, Jens Geier, Ivo Hristov, Miapetra Kumpula-Natri, Dan Nica, Tsvetelina Penkova, Marcos Ros Sempere
Verts/ALE	Damien Carême, Ignazio Corrao, Ciarán Cuffe, Henrike Hahn, Mikuláš Peksa, Manuela Ripa, Jordi Solé

### Key to symbols:

+ : in favour

- : against

0 : abstention

4.7.2023

## OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

for the Committee on the Internal Market and Consumer Protection

on the 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 (COM(2022)0459 – C9-0315/2022 – 2022/0278(COD))

Rapporteur for opinion: Marc Angel

## AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation Title 1

*Text proposed by the Commission*

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)

*Amendment*

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

### Amendment 2

#### Proposal for a regulation Recital -1 (new)

*Text proposed by the Commission*

*Amendment*

***(-1) In accordance with the Treaties, Member States have an obligation to ensure the proper functioning of the Single Market. They should therefore abstain from adopting measures that are contrary to the free movement of goods, services and persons, and they should take all necessary measures to facilitate the free movement of goods, services or persons.***

### **Amendment 3**

#### **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 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.

(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), its supply chains, **businesses, workers and consumers** can be severely affected by such crises, **that the free movement of goods, services and people are not sufficiently safeguarded despite being laid down in the Treaties and that** appropriate, **harmonised** 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 **and effective** response to such impacts.

### **Amendment 4**

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

*Text proposed by the Commission*

*Amendment*

***(1a) During the COVID-19 pandemic, the sectors most concerned were***

*characterised by a high dependence on mobile workers, including frontier and cross-border workers. These workers, who played an essential role to keep the European economy going, were particularly affected by uncoordinated measures restricting the free movement of persons. They were often left without adequate support when exercising their freedom of movement, faced heavy administrative burden and suffered from a lack of information about measures taken and their duration. The restrictions to the free movement exacerbated obstacles faced by mobile workers, including frontier and cross-border workers. While some could not cross borders to access their workplace, others were forced to spend months in the Member State of their employer without the possibility to return to their Member State of residence or that of their families due to travel restrictions and legal obstacles preventing them to work remotely.*

## **Amendment 5**

### **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

#### *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 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.

related to the global supply chains  
***including lack of resilience and  
dependency on authoritarian regimes.***

## Amendment 6

### 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 part of the national administration to contact to find rapid solutions to ***crisis-related impacts*** on the Single Market. In addition it became clear that uncoordinated restrictive actions taken by the Member States further ***aggravated*** the impacts of the crisis on the Single market. It emerged that ***in order to ensure predictability***, there is a need for ***clear and transparent rules and*** arrangements between the Member States and Union authorities ***as well as social partners and other stakeholders*** as regards contingency planning, technical level coordination and cooperation and information exchange. ***Social partners play a key role in supporting coordination efforts and the elaboration and implementation of emergency measures, including when it comes to dissemination of relevant information to workers, businesses and economic operators.***

## Amendment 7

### Proposal for a regulation Recital 4

#### *Text proposed by the Commission*

(4) Representative organisations of economic operators have suggested that

#### *Amendment*

(4) Representative organisations of economic operators, ***trade unions and***

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

**employers** have suggested that economic operators, **workers and businesses** 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 decisions as to what extent they may rely on their free movement rights **and/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 8

### 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, especially **considering** the continuing **aggravating** 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 **a crisis** instrument that would **strengthen resilience, improve transparency, and provide clear rules for crisis governance that would apply to the free movement of goods, services and persons** with regards to **disruptions of** the Single 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 Single Market and its supply chains are hard to predict, this Regulation should provide for a general framework for anticipating, ***preventing***, preparing for, mitigating and minimising the negative impacts which any crisis may cause on the Single Market and its supply chains ***while ensuring that any crises related emergency response fully respects fundamental human rights and workers' rights and safeguards and facilitates the free movement of goods, services and persons in line with the Treaties.***

**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 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, ***public*** safety, public order, or public health ***while*** 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. ***The framework should also recognise the important role played by social partners in elaborating and implementing contingency measures and ensure full respect for collective bargaining rights and the autonomy of social partners.***

## Amendment 11

### Proposal for a regulation

#### Recital 9 – indent 1

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

— 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**;

##### *Amendment*

— the necessary means to ensure the continued functioning of the Single Market **also in times of crisis, both for** businesses that operate on the Single Market and **their** strategic supply chains, including the free **movement** of goods, services and persons **under safe conditions**, in times of crisis and the availability of crisis relevant goods and services to citizens, businesses and public authorities, **while ensuring workers' rights and occupational health and safety**;

## Amendment 12

### Proposal for a regulation

#### Recital 9 – indent 2

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

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

##### *Amendment*

— a forum for adequate coordination, cooperation and exchange of information **also in view of speeding up administrative procedures, such as declarations, registrations and authorisations, while using the full potential of digital tools**; and

## Amendment 13

### Proposal for a regulation

#### Recital 9 – indent 3

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

— 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*

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

a crisis.

## Amendment 14

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

#### *Amendment*

(10) Where possible, this Regulation should allow for anticipation **and prevention** of events and crises, building on on-going analysis concerning strategically important areas of the Single Market economy and the Union's continuous foresight work.

## Amendment 15

### 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 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.

#### *Amendment*

(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 applicable to these limitations and the grounds that may be used to justify such measures. **Member States shall refrain from introducing restrictions on the free movement of Union citizens and their family members and of third-country nationals legally staying or residing in the territories of the Member States as well as refugees and beneficiaries of international protection on grounds of public policy, public security and public health that are directly 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 16

### 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 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.

##### *Amendment*

(18) As regards the measures for **ensuring** 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 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.

## Amendment 17

### 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

##### *Amendment*

(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 **safeguard and facilitate the** free movement of persons, **including workers, under safe conditions, to** increase transparency and **to** provide **adequate and timely information as well as** administrative assistance during Single Market emergencies. Such measures **should provide that essential and crisis relevant workers exercising their freedom**

Market vigilance and emergency modes under this regulation.

*of movement during a Single Market emergency are guaranteed the same level of protection in terms of health and safety as local workers active in the relevant sector in the host Member State. They should also 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. The Commission and the Member States are encouraged to use existing structures for the operation of these contact points. Such contact points should be active even outside the emergency mode and facilitate communication between the Member States and with the advisory board. The information provided by the contact point should be clear, understandable and accessible to persons with disabilities.*

## **Amendment 18**

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

*Text proposed by the Commission*

*Amendment*

*(19a) In order to facilitate cross-border measures to maintain or reinforce the free movement of workers, the Commission should make full use of digital tools to facilitate cross-border management and coordination of social security rights and obligations. Special attention should be paid to the most affected workers especially mobile workers, including frontier and cross-border workers as well as workers who are able to work remotely but have to do so from a particular Member State.*

## **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) **Citizens, workers, consumers and businesses depend on a well-functioning Single Market and on the freedom of movement under safe conditions also in times of crisis.** Member States **should refrain from adopting** measures affecting **the** free movement of goods or persons, or the freedom to provide services **unless justified on grounds of legitimate public policy, public security or public health and proportionate for the objective pursued.** **Any such measures should therefore be proportionate and non-discriminatory.** Member States should limit such measures to what is necessary and remove them as soon as the situation allows it. Such measures should respect the **Treaties, Union law and international obligations on fundamental human rights** and should take into consideration the particular situation of border regions **and of sectors that are notably dependent on mobile workers, including frontier and cross-border workers.** **Any measure restricting the free movement should have no longer legal effect when the emergency mode is deactivated.**

**Amendment 20**

**Proposal for a regulation  
Recital 20 a (new)**

*Text proposed by the Commission*

*Amendment*

**(20a) In the light of digitalisation and its cross-border impacts on the Single Market and the EU labour market, special consideration needs to be given to teleworking arrangements. In particular, in cases of restrictions to the free movement of workers, special attention should be paid to the question of whether mobile workers, including cross borders and frontier workers, are able to carry out**



*their tasks remotely or not. In order to avoid discrimination, workers for whom cross-border telework is not feasible, for example due to the nature of their tasks and responsibilities, should not be subject to undue restrictions to their freedom of movement as long as their health and safety can be ensured. To ensure the equal treatment of workers when exercising their freedom of movement, Member States should allow mobile and cross-border workers to continue crossing their borders to reach their workplace if work in the sector concerned is still allowed in the receiving Member State.*

## Amendment 21

### 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) The activation of the Single Market emergency mode should trigger an obligation for the Member States to notify **any** crisis-relevant free movement restrictions ***without undue delay, including a justification of its necessity and proportionality. Social partners should be consulted regarding any emergency measure having an impact on the labour market. A close cooperation with social partners can also facilitate the implementation of such measures and information provision to workers, businesses and economic operators.***

## Amendment 22

### Proposal for a regulation Recital 22

*Text proposed by the Commission*

(22) When examining the compatibility

*Amendment*

(22) When examining ***the necessity and***

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.

the compatibility of any notified draft or adopted measures with the principle of proportionality *and non-discrimination*, the Commission should *consult with stakeholders, such as social partners, regarding the impact on the labour market*. The Commission *should assess* the merits of Member State arguments *including those* relying on the precautionary principle *enshrined in Article 191 TFEU* as a reason for adoption of *restrictions of the* free movement of persons. It is the task of the Commission to ensure that such measures *fully* comply with *the Treaties and* Union law and do not create unjustified obstacles to the functioning of the Single Market *and to the right to free movement*. 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 23

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

#### *Amendment*

(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 indicate the reasons for such activation and *how the measures comply with the Treaties, as well as* the crisis-relevant goods or services that such measures apply to.

## Amendment 24

### 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) Furthermore, in order to ensure the proportionality of the implementing acts and due respect for ***the autonomy of social partners and*** 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 ***or social partners*** 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 25

### Proposal for a regulation Recital 25

#### *Text proposed by the Commission*

(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.

#### *Amendment*

(25) Information requests to economic operators should be used by the Commission ***with due regard to trade secrets in line with Directive 2016/943*** 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.

## Amendment 26

### 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) 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 **critical** 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 27**

**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 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.

*Amendment*

(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, **strictly limited to what is necessary and only for a limited period of time**, to facilitate or request the ramping up or repurposing of production capacity of manufacturers or the capacity of the service providers to provide crisis-relevant services. In doing so, the Commission would inform the Member States, **the advisory group and the European Parliament** 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. **If any ramping up or**

***repurposing of production capacity of manufacturers have an impact on workers in a company or sector, workers' representatives and trade unions should be informed and consulted before and during the implementation phase.***

## **Amendment 28**

### **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 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.

#### *Amendment*

(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, ***including the protection of workers exercising this right, and*** 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 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.

## **Amendment 29**

**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 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) This Regulation **safeguards the** fundamental rights **as laid down in the Treaties** and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the ‘Charter’) **and the right to liberty and security of person (Article 6)**. In particular, it respects **everyone’s** right to privacy enshrined in Article 7 of the Charter, **the** right to data protection set out in Article 8 **of the Charter, the freedom to choose an occupation and the right to engage in work as protected by Article 15** 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 non-discrimination as protected by Article 21 of the Charter, the** right to collective bargaining and action protected by Article 28 of the Charter, **the right to fair and just working conditions as protected by Article 31 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. **No emergency measure triggered under this Regulation in response to a crisis on the Single Market should be used to undermine or circumvent fundamental human rights as guaranteed under the Charter or international human rights instruments.** 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. The Regulation



should not affect the autonomy of the social partners as recognised by the TFEU.

## Amendment 30

### 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 regions, specifically border regions.

#### *Amendment*

(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 regions, specifically border regions ***as well as the situation of mobile workers, including frontier workers and cross border workers, with a specific focus on workers' rights and working conditions.***

## Amendment 31

### Proposal for a regulation Article 1 – paragraph 1

#### *Text proposed by the Commission*

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.

#### *Amendment*

1. This Regulation establishes a framework of measures to anticipate, ***prevent***, prepare for and respond to impacts of crises on the Single Market, with the purpose of safeguarding ***and facilitating*** the free movement of goods, services and persons ***in line with the Treaties, including the free movement of workers, of strengthening its resilience and functioning, of protecting consumers, the environment and workers fundamental rights in times of crisis,*** and of ensuring the availability of goods and services of ***critical*** importance and crisis-relevant goods and services in the Single Market.

## Amendment 32

### Proposal for a regulation

#### Article 1 – paragraph 2 – point c

*Text proposed by the Commission*

(c) contingency measures aiming at anticipation and planning;

*Amendment*

(c) contingency measures aiming at anticipation, ***prevention*** and planning;

## Amendment 33

### Proposal for a regulation

#### Article 1 – paragraph 3

*Text proposed by the Commission*

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

*Amendment*

3. Member States shall regularly exchange information on all matters falling within the scope of this Regulation among themselves, ***the advisory group***, and with the Commission. ***The European Parliament shall have timely access to that information.***

## Amendment 34

### Proposal for a regulation

#### Article 2 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. 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.***



## Amendment 35

### Proposal for a regulation Article 2 – paragraph 7

*Text proposed by the Commission*

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

*Amendment*

7. Any actions under this Regulation shall be consistent with Union's obligations under international law, ***including human rights obligations.***

## Amendment 36

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

*Text proposed by the Commission*

(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;

*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, ***with the exclusion of collective actions, and that results or risks to result in a significant disruption of the proper functioning of the Single Market, including the freedom of movement of goods, services and persons;***

## Amendment 37

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

*Text proposed by the Commission*

(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;

*Amendment*

(2) 'Single Market vigilance mode' means a framework for addressing a threat of ***a*** significant disruption of the supply of goods and services of ***critical*** importance ***and/or the free movement of persons***, and which has the potential to escalate into a Single Market emergency within the next six months;

## Amendment 38

### 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) ‘Single Market emergency’ means a wide-ranging impact of a crisis on the Single Market that severely disrupts the free movement **of goods, services and persons** 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 39

### 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 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 40

### 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 and services of **critical** importance’ means goods and services that are indispensable for ensuring the functioning of the Single Market in **critically** important areas and which cannot

cannot be substituted or diversified;

be substituted or diversified *in a timely manner*;

#### Amendment 41

##### 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 for which building a reserve may be necessary to prepare for a Single Market emergency, under the control of a Member State.

#### Amendment 42

##### Proposal for a regulation

##### Article 3 – paragraph 1 – point 7 a (new)

*Text proposed by the Commission*

*Amendment*

**(7a) ‘economic operator’ means the manufacturer, the authorised representative, the importer and the distributor as defined in Regulation 765/2008/EC or a service provider as defined in Directive 2006/123/EC.**

#### Amendment 43

##### 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 advisory group shall be composed of one representative from each Member State **and four representatives of European social partners**. Each Member State shall nominate a representative and an alternate representative. **Cross-industry social partner organisations at Union level may designate four representatives to the advisory group with an equal**

*representation of trade union and employer organisations.*

## Amendment 44

### 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 Area<sup>49</sup>, 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.**

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<sup>49</sup> OJ L 1, 3.1.1994, p. 3.

*Amendment*

3. The Commission shall chair the advisory group and ensure its secretariat. The **advisory group shall** invite **the representatives of other crisis-relevant bodies at Union level, one independent expert appointed by** the European Parliament **and** representatives of EFTA States that are contracting parties to the Agreement on the European Economic Area, **as observers to its the relevant meetings. It may invite** representatives of economic operators, **trade unions, employers and** stakeholder organisations, social partners **as well as workers' representatives and other relevant** experts to attend **the** meetings of the advisory group **to provide input.**

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<sup>49</sup> OJ L 1, 3.1.1994, p. 3.

## Amendment 45

### 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. For the purpose of **strengthening the resilience and the proper functioning of the Single Market and** contingency planning under Articles 6 to 8, the advisory group shall assist and advise the Commission as regards the following tasks:

## Amendment 46

### Proposal for a regulation

#### Article 4 – paragraph 4 – point b

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 47

### Proposal for a regulation

#### Article 4 – paragraph 5 – point c

*Text proposed by the Commission*

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

*Amendment*

(c) consulting representatives of economic operators, including SMEs and industry, ***and, where relevant, of trade unions and employer organisations***, to collect market intelligence;

## Amendment 48

### Proposal for a regulation

#### Article 4 – paragraph 5 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) consulting representatives of trade unions and employers to better understand the social and labour market impacts of potential crises and related measures, especially on worker's rights and on the freedom of movement of workers with a special focus on mobile workers, including frontier and cross-border workers;***

## Amendment 49

### 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*

(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 ***but also on the labour market , workers' rights, working conditions and the freedom of movement of workers.***

**Amendment 50**

**Proposal for a regulation**

**Article 4 – paragraph 6 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) consulting representatives of trade unions and employers on the impact of the emergency on the labour market and the free movement of workers particularly mobile workers, including frontier and cross-border workers;***

**Amendment 51**

**Proposal for a regulation**

**Article 4 – paragraph 6 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

***(ab) consulting representatives of economic operators, including SMEs and industry, and where relevant, of trade unions and employer organisations to collect market intelligence and assess the impact of the emergency as referred to in Article 3(3);***

**Amendment 52**

**Proposal for a regulation**

**Article 4 – paragraph 6 – point d a (new)**

***(da) proposing and assessing measures to strengthen the Single Market's resilience, such as mapping of relevant supply chains and stress tests;***

## **Amendment 53**

### **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 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.

*Amendment*

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 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. ***The Commission shall report on the work of the advisory group to the European Parliament at least once every year and more frequently in times of crisis.***

## **Amendment 54**

### **Proposal for a regulation**

#### **Article 4 – paragraph 9**

*Text proposed by the Commission*

9. The advisory group may adopt opinions, recommendations or reports in the context of its tasks set out in paragraphs 4 to 6.

*Amendment*

9. The advisory group may adopt opinions, recommendations or reports in the context of its tasks set out in paragraphs 4 to 6. ***Opinions,***

*recommendations and reports of the advisory group shall be made public insofar as they are in accordance with Directive 2016/943 and their disclosure is not contrary to public policy and security interests.*

## Amendment 55

### 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*

1. The Commission taking into consideration the opinion of the advisory group 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 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 56

### 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*

(c) a coordinated approach to risk and crisis communication also vis-à-vis the public, ***economic operators, workers, employers, trade unions and other relevant stakeholders*** with a coordinating role for the Commission;

## Amendment 57

### Proposal for a regulation

#### Article 6 – paragraph 1 a (new)



*Text proposed by the Commission*

*Amendment*

**1a.** *Where the Commission, in adopting a delegated act, does not reflect the opinion of the advisory group, it shall explain its reasons in writing.*

## **Amendment 58**

### **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 representatives of economic operators, including SMEs ***and industry, as well as trade unions and employers*** on initiatives and actions to mitigate and respond to potential supply chain disruptions and ***disruptions of the free movement of workers, and to*** overcome potential shortages of goods and services in the Single Market;

## **Amendment 59**

### **Proposal for a regulation**

#### **Article 6 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) consultation of economic operators, including SMEs and industry, as well as trade unions and employers regarding the impact of initiatives and actions on the labour market, occupational health and safety, working conditions and fundamental worker's rights, including in areas of critical importance;***

## **Amendment 60**

**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) *an estimated* number of economic operators *and workers* affected by the disruption or potential disruption, *including possible disruptions on the labour market and on the free movement of workers, with a special focus on mobile workers, including frontier and cross-border workers*;

**Amendment 61**

**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) list of the goods and services of *critical* importance concerned, and

**Amendment 62**

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

*Text proposed by the Commission*

2. The implementing act referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 41(2).

*Amendment*

2. The implementing act referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 42(2). *The Commission shall report any activation of the vigilance mode to the European Parliament and the Council without undue delay.*

**Amendment 63**

**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 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. ***Any extension shall be reported to the European Parliament and the Council without undue delay.***

**Amendment 64**

**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 of an implementing act.

*Amendment*

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 of an implementing act. ***Any deactivation shall be reported to the European Parliament and the Council without undue delay.***

**Amendment 65**

**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

*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 that have

been identified in the implementing act activating the vigilance mode.

been identified in the implementing act activating the vigilance mode. ***Member States shall, in consultation with social partners, assess how workers and economic operators in critical areas identified might be affected by the potential crisis.***

## Amendment 66

### Proposal for a regulation

#### Article 12 – paragraph 1 – subparagraph 1

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

The Commission may, among the goods of ***strategic*** importance listed in an implementing act adopted pursuant to Article 9(1), identify those for which it may be necessary to build a reserve in order to prepare for a Single Market emergency, taking into account the probability and impact of shortages. The Commission shall inform the Member States thereof.

##### *Amendment*

The Commission may, among the goods of ***critical*** importance listed in an implementing act adopted pursuant to Article 9(1), identify those for which it may be necessary to build a reserve in order to prepare for a Single Market emergency, taking into account the probability and impact of shortages. The Commission shall inform the Member States, ***the European Parliament and the advisory board*** thereof.

## Amendment 67

### Proposal for a regulation

#### Article 12 – paragraph 2 – subparagraph 3

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

Member States shall report to the Commission the levels of strategic reserves of goods of ***strategic*** importance held by them, and the levels of other stocks of such goods held on their territory.

##### *Amendment*

Member States shall report to the Commission the levels of strategic reserves of goods of ***critical*** importance held by them, and the levels of other stocks of such goods held on their territory.

## Amendment 68

### Proposal for a regulation

#### Article 12 – paragraph 3

*Text proposed by the Commission*

3. Taking due account of stocks held or being built up by economic operators on their territory, Member States shall deploy their best efforts to build up strategic reserves of the goods of **strategic** importance identified in accordance with paragraph 1. The Commission shall provide support to Member States to coordinate and streamline their efforts.

*Amendment*

3. Taking due account of stocks held or being built up by economic operators on their territory, Member States shall deploy their best efforts to build up strategic reserves of the goods of **critical** importance identified in accordance with paragraph 1. The Commission shall provide support to Member States to coordinate and streamline their efforts.

**Amendment 69**

**Proposal for a regulation**

**Article 12 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Where the building of strategic reserves of goods of **strategic** importance identified pursuant to paragraph 1 can be rendered more effective by streamlining among Member States, the Commission may draw up and regularly update, by means of implementing acts, a list of individual targets regarding the quantities and the deadlines for those strategic reserves that the Member States should maintain. When setting the individual targets for each Member State, the Commission shall take into account:

*Amendment*

4. Where the building of strategic reserves of goods of **critical** importance identified pursuant to paragraph 1 can be rendered more effective by streamlining among Member States, the Commission may draw up and regularly update, by means of implementing acts, a list of individual targets regarding the quantities and the deadlines for those strategic reserves that the Member States should maintain. When setting the individual targets for each Member State, the Commission shall take into account:

**Amendment 70**

**Proposal for a regulation**

**Article 12 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

Where the strategic reserves of a Member State continuously fall significantly short of the individual targets referred to in paragraph 4 and economic operators on its territory are not able to compensate that

*Amendment*

Where the strategic reserves of a Member State continuously fall significantly short of the individual targets referred to in paragraph 4 and economic operators on its territory are not able to compensate that

shortfall, the Commission may, at its own initiative or at the request of 14 Member States, assess the need to take further measures to build up strategic reserves of goods of **strategic** importance identified pursuant to paragraph 1.

shortfall, the Commission may, at its own initiative or at the request of 14 Member States, assess the need to take further measures to build up strategic reserves of goods of **critical** importance identified pursuant to paragraph 1.

## Amendment 71

### Proposal for a regulation

#### Article 13 – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

**(aa) the crisis has already severely disrupted the freedom of movement of persons, goods and services or is likely to do so, with a particular focus on mobile workers, including frontier and cross-border workers;**

## Amendment 72

### Proposal for a regulation

#### Article 13 – paragraph 1 – point a b (new)

*Text proposed by the Commission*

*Amendment*

**(ab) the introduction of travel restrictions and border controls;**

## Amendment 73

### 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 impacts in terms of degree and duration on economic and societal activities, **including the labour market, as well as on the climate**, the environment and public safety;

## Amendment 74

### Proposal for a regulation

#### Article 13 – paragraph 1 – point f

*Text proposed by the Commission*

(f) the market **position** of affected economic operators in the concerned sector or sectors;

*Amendment*

(f) the market **share** of affected economic operators in the concerned sector or sectors, **where that share is critical to the supply of crisis-relevant goods and services**;

## Amendment 75

### Proposal for a regulation

#### Article 13 – paragraph 1 – point g

*Text proposed by the Commission*

(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 activities in the Single Market;

*Amendment*

(g) the geographic **areas, in particular border regions, that are** and could be affected, including any cross-border impacts on **the free movement of goods, services and persons and** the functioning of supply chains that are indispensable in the maintenance of vital societal or economic activities in the Single Market;

## Amendment 76

### Proposal for a regulation

#### Article 13 – paragraph 1 – point h

*Text proposed by the Commission*

(h) the importance of the affected economic **operator** in maintaining a sufficient level of supply of the goods or services, taking into account the availability of alternative means for the provision of those goods or services; and

*Amendment*

(h) the importance of the affected economic **operators** in maintaining a sufficient level of supply of the goods or services, taking into account the availability of alternative means for the provision of those goods or services; and

## Amendment 77

## 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 shortage** of substitute goods, inputs or services.

## Amendment 78

## 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 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 **and inform Parliament without undue delay**.

## Amendment 79

## 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, **hall** be specified in the implementing act, and shall be a maximum of six months.

*Amendment*

3. The Council may activate the Single Market emergency mode by means of a Council implementing act. ***This implementing act shall include where relevant an overview of crisis relevant goods and services as well as sectors notably depending on mobile workers, including frontier and cross-border workers.*** The duration of the activation, ***shall*** be specified in the implementing act, and shall be a maximum of six months.

## Amendment 80



**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. As soon as the Single Market emergency mode is activated, the Commission shall, without delay, ***consult the advisory group and*** adopt a list of crisis-relevant goods and services ***as well as sectors notably depending on mobile workers, including frontier and cross-border workers*** by means of an implementing act. The list may be amended by means of implementing acts.

**Amendment 81**

**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 for ***ensuring*** and facilitating free movement

**Amendment 82**

**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. ***Where Member States adopt and apply*** national measures in response to a Single Market emergency and the underlying crisis, ***they*** shall ensure that ***such measures are justified, proportionate non-discriminatory and*** fully comply with the Treaty and Union law, ***international obligations on fundamental human rights and worker's rights as well as*** the requirements laid down in this Article.

**Amendment 83**

**Proposal for a regulation**  
**Article 16 – paragraph 2**

*Text proposed by the Commission*

2. Any restriction shall be limited in time and removed as soon as the situation allows *it*. Additionally, any restriction should take into account the situation of border regions.

*Amendment*

2. Any restriction shall be limited in time and ***to what is strictly necessary. Any restriction shall be regularly reviewed and*** removed as soon as the situation allows ***for. Any restriction shall have no longer legal effect when the emergency mode is deactivated.*** Additionally, any restriction should take into account the situation of border regions ***and that of mobile workers, in particular cross-border and frontier workers.***

**Amendment 84**

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

*Text proposed by the Commission*

*Amendment*

***2a. Any restriction on the free movement of Union citizens and their family members and of third-country nationals legally staying or residing in the territories of Member States, as well as of refugees and beneficiaries of international protection for reasons of public policy, public security or public health, or any other measure having equivalent effect, shall not be implemented without prior risk assessment;***

**Amendment 85**

**Proposal for a regulation**  
**Article 16 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Any requirement imposed on

3. Any requirement imposed on

citizens **and businesses** shall not create an undue or unnecessary administrative burden.

citizens, **workers, employers and economic operators** shall not create an undue or unnecessary administrative burden.

## Amendment 86

### Proposal for a regulation Article 16 – paragraph 4

#### *Text proposed by the Commission*

4. Member States shall inform citizens, consumers, **businesses**, workers and their representatives about measures that affect their free movement rights in a clear and unambiguous manner.

#### *Amendment*

4. Member States shall inform citizens, consumers, **economic operators**, workers, **employers** and their representatives about measures that affect their free movement rights in a clear, **timely** and unambiguous manner **so as to ensure legal certainty and facilitate cross-border coordination. Member States shall cooperate with social partners at national and local level to ensure the effective dissemination of relevant information to workers and economic operators. All information shall be made available electronically, be easily accessible for persons with disabilities, and in relevant languages in particular in cross-border situations.**

## Amendment 87

### Proposal for a regulation Article 16 – paragraph 5

#### *Text proposed by the Commission*

5. Member States shall ensure that all affected stakeholders are informed of measures restricting free movement of goods, services and persons, including workers and service providers, before their entry into force. Member States shall ensure a continuous dialogue with stakeholders, **including communication with social partners** and international

#### *Amendment*

5. Member States shall ensure that all affected stakeholders are informed of measures restricting free movement of goods, services and persons, including workers and service providers, **as well as the anticipated expiry of such measures**, before their entry into force. Member States shall **duly involve social partners in the development and, where applicable,**

partners.

***implementation of any measure with an impact on the free movement of persons and ensure a continuous dialogue with other stakeholders and international partners.***

## **Amendment 88**

### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point c**

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

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

##### *Amendment*

(c) 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;

## **Amendment 89**

### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point d – introductory part**

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

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

##### *Amendment*

(d) restrictions on the free movement of persons involved in the production of crisis-relevant goods that are listed in an implementing act adopted pursuant to Article 14, paragraph 5 and their parts or in provision of crisis-relevant services that are listed in an implementing act adopted pursuant to Article 14 paragraph 5 ***or which are essential to the functioning of the distorted sector***, or other measures having equivalent effect, that:

## **Amendment 90**

### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point d – point ii**

*Text proposed by the Commission*

(ii) are directly discriminatory based on nationality of the person.

*Amendment*

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

**Amendment 91**

**Proposal for a regulation**

**Article 17 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. During the Single Market emergency mode and when responding to the Single Market emergency, Member States shall refrain from any of the following, unless to do so is inherent to the nature of the crisis:

*Amendment*

2. During the Single Market emergency mode and when responding to the Single Market emergency, Member States shall refrain from any of the following, unless to do so is inherent to the nature of the crisis ***on grounds of public policy, public security or public health and proportionate for achieving the objective purportedly pursued:***

**Amendment 92**

**Proposal for a regulation**

**Article 17 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. During the Single Market emergency mode and when responding to a Single Market emergency, Member States shall refrain from any of the following unless to do so is inherent to the nature of the crisis/Single Market emergency:

*Amendment*

3. During the Single Market emergency mode and when responding to a Single Market emergency, Member States shall refrain from any of the following unless to do so is inherent to the nature of the crisis/Single Market emergency ***on grounds of public policy, public security or public health and proportionate for achieving the objective purportedly pursued:***

**Amendment 93**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) applying of more generous rules to travel to or from one Member State to or from another Member State or group of Member States, as compared to travel to and from other Member States unless to do so is inherent to the nature of the crisis/Single Market emergency;

*Amendment*

(a) applying of more generous rules to travel to or from one Member State to or from another Member State or group of Member States, as compared to travel to and from other Member States unless to do so is inherent to the nature of the crisis/Single Market emergency ***on grounds of public policy, public security or public health and proportionate for achieving the objective purportedly pursued;***

**Amendment 94**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point d**

*Text proposed by the Commission*

(d) imposing prohibitions on travel, including travel for imperative family reasons, which are not ***appropriate*** for the achievement of any legitimate public interest purportedly pursued by such measures or which manifestly go beyond what is necessary to achieve that aim;

*Amendment*

(d) imposing prohibitions on travel, including travel for imperative family reasons, which are not ***proportionate*** for the achievement of any legitimate public interest purportedly pursued by such measures or which manifestly go beyond what is necessary to achieve that aim;

**Amendment 95**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point e**

*Text proposed by the Commission*

(e) imposing restrictions on workers and service providers and their representatives, ***unless*** to do so ***in inherent to the nature of the crisis/Single Market emergency and it does not manifestly go beyond what is necessary for that purpose.***

*Amendment*

(e) imposing restrictions on workers and service providers and their representatives, ***which are not proportionate for achieving the objective purportedly pursued by such measures. To this end, due regard should be given to the needs of mobile workers, in particular***

*frontier and cross-border workers, who depend on the freedom of movement to access their workplace, in particular those in professions which require physical presence, as well as workers who are able to work remotely but have to do so from a particular Member State.*

## Amendment 96

### Proposal for a regulation Article 17 – paragraph 5

#### *Text proposed by the Commission*

5. When a Single Market emergency has been activated in accordance with Article 14 and the activities exercised by the service providers, business representatives and workers are not affected by the crisis in **the** Member State and safe travel is possible despite the crisis, **that** Member **State** shall not impose travel restrictions on such categories of persons from other Member States that would prevent them from having access to their place of activity or workplace.

#### *Amendment*

5. When a Single Market emergency has been activated in accordance with Article 14 and the activities exercised by the service providers, business representatives and workers are not affected by the crisis in **a** Member State and safe travel is possible despite the crisis, Member **States** shall not impose travel restrictions on such categories of persons from other Member States that would prevent them from having access to their place of activity or workplace, **provided that their health and safety can be ensured on the basis of equal treatment with persons in a comparable situation in the relevant sector of the receiving Member State.**

## Amendment 97

### Proposal for a regulation Article 17 – paragraph 6 – introductory part

#### *Text proposed by the Commission*

6. When a Single Market emergency has been activated in accordance with Article 14 and exceptional circumstances resulting from the crisis do not allow all service providers, business representatives and workers from other Member States to

#### *Amendment*

6. When a Single Market emergency has been activated in accordance with Article 14 and exceptional circumstances resulting from the crisis do not allow all service providers, business representatives and workers from other Member States to

travel and to have unhindered access to their place of activity or workplace, but travelling is still possible, Member States shall not impose travel restrictions, on:

travel and to have unhindered access to their place of activity or workplace, but travelling is still possible, Member States shall not impose travel restrictions, on ***the following categories of persons, provided that their health and safety can be ensured on the basis of equal treatment with persons in a comparable situation in the relevant sector of the receiving Member State:***

## Amendment 98

### Proposal for a regulation Article 17 – paragraph 6 – point a

#### *Text proposed by the Commission*

(a) Those service providers that provide crisis-relevant services that are listed in an implementing act adopted pursuant to Article 14(5), or business representatives or workers that are involved in production of crisis-relevant goods or provision of crisis-relevant services that are listed in an implementing act adopted pursuant to Article 14(5) to allow them to have access to the place of their activities, if activities in the sector concerned are still allowed in the Member State;

#### *Amendment*

(a) Those service providers that provide crisis-relevant services that are listed in an implementing act adopted pursuant to Article 14(5), or business representatives or workers that are involved in production of crisis-relevant goods or provision of crisis-relevant services that are listed in an implementing act adopted pursuant to Article 14(5), ***including those that are essential to the functioning of the distorted sector,*** to allow them to have access to the place of their activities, if activities in the sector concerned are still allowed in the ***receiving*** Member State;

## Amendment 99

### Proposal for a regulation Article 17 – paragraph 7

#### *Text proposed by the Commission*

7. When taking the measures referred to in this provision, the Member States shall ensure full compliance with the Treaties and Union law. Nothing in this provision shall be construed as authorising

#### *Amendment*

7. When taking the measures referred to in this provision, the Member States shall ensure full compliance with the Treaties and Union law, ***including the protection of workers, service providers***



or justifying restrictions to free movement contrary to the Treaties or other provisions of Union law.

***and business representatives, ensuring they are able to exercise their freedom of movement under safe conditions.*** Nothing in this provision shall be construed as authorising or justifying restrictions to free movement contrary to the Treaties or other provisions of Union law.

## Amendment 100

### 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*

1. During the Single Market emergency mode, the Commission may provide for supportive measures to ***facilitate the*** free movement of persons referred to in Article 17(6) and 17(7) ***and to ensure that they can exercise their freedom of movement under safe conditions*** 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 101

### 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-

#### *Amendment*

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.

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. ***To facilitate the use of these templates, the Commission may apply digital solutions.***

## Amendment 102

### 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 Single Market emergency, Member States shall notify to the Commission any draft measures ***and restrictions linked to the crisis and, in particular, those*** restricting ***the*** free movement of goods, the freedom to provide services ***and the*** free movement of persons, including workers, together with the reasons for those measures ***and restrictions as well as special arrangements facilitating the free movement of mobile workers in crisis-relevant sectors, including frontier workers and cross-border workers.***

## Amendment 103

### 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 ***substantiating that*** the enactment of such ***measures or restrictions are*** justified, proportionate ***and non-discriminatory***. 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 104**

**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, ***workers, economic operators, social partners and other affected stakeholders*** are informed of the notified measures ***in a clear and unambiguous matter***, unless the Commission ***or the Member States deem*** disclosure of those measures would affect ***public policy and*** the security 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 105**

**Proposal for a regulation**  
**Article 21 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall operate national single points of contact that shall provide citizens, consumers, economic operators and workers and their representatives with the following

*Amendment*

1. Member States shall operate national single points of contact ***and cooperate with social partners in this regard***, that shall provide citizens, ***civil society organizations***, consumers,

assistance:

economic operators and workers and their representatives with the following assistance:

## Amendment 106

### 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, ***civil society organisations***, 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 ***and shall be accessible to persons with disabilities***. It shall ***also*** be easily accessible at a distance and by electronic means and shall be kept up to date.

## Amendment 107

### 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, ***civil society organizations***, consumers, economic operators ***and*** workers and their representatives with the following assistance:

## Amendment 108

## 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 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;

#### *Amendment*

(a) assistance in requesting and obtaining information as regards Union level **and national** 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;

## Amendment 109

## 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 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, **including workers' representatives and trade unions**, the opportunity to state their position, **following the parties' receipt of comprehensive information**, 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. ***Workers affected by such decision shall be consulted about the modalities and where applicable be trained and compensated in accordance with national and Union law. Occupational health and safety provisions must be respected at all times.***

## Amendment 110

### Proposal for a regulation Article 27 – paragraph 3

#### *Text proposed by the Commission*

3. Where the economic operator to which the decision referred to in paragraph 2 is addressed accepts the requirement to accept and prioritise the orders specified in the decision, that obligation shall take precedence over any performance obligation under private or public law.

#### *Amendment*

3. Where the economic operator to which the decision referred to in paragraph 2 is addressed accepts the requirement to accept and prioritise the orders specified in the decision, that obligation shall take precedence over any performance obligation under private or public law. ***When prioritising the orders specified in the decision, the economic operators shall ensure full compliance with their obligations under Union and national labour law, in particular regarding workers' rights and working conditions.***

## Amendment 111

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

#### *Text proposed by the Commission*

(c) aiming at accelerating permitting of crisis-relevant goods.

#### *Amendment*

(c) aiming at accelerating permitting of crisis-relevant goods, ***fully respecting applicable legislation, including health and safety provisions as well as environmental and consumer protection.***

## Amendment 112

**Proposal for a regulation**  
**Article 39 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 39a**

**Non regression clause**

**1. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of collective agreements which are more favourable to workers.**

**Amendment 113**

**Proposal for a regulation**  
**Article 45 – title**

*Text proposed by the Commission*

*Amendment*

**Repeal**

**Amendments to Regulation (EC) 2679/98**

**Amendment 114**

**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].**

**Articles 3, 4 and 5 of Regulation (EC) 2679/98 shall cease to apply for the duration of the Single Market emergency mode.**

**Amendment 115**

**Proposal for a regulation**  
**Article 45 – paragraph 1**

**2. Article 2 of Regulation (EC) 2679/98 is amended as follows: “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.”**



## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Establishing a Single Market emergency instrument and repealing Council Regulation No (EC) 2679/98
<b>References</b>	COM(2022)0459 – C9-0315/2022 – 2022/0278(COD)
<b>Committee responsible</b> Date announced in plenary	IMCO 9.11.2022
<b>Opinion by</b> Date announced in plenary	EMPL 9.11.2022
<b>Rapporteur for the opinion</b> Date appointed	Marc Angel 17.11.2022
<b>Discussed in committee</b>	22.3.2023
<b>Date adopted</b>	28.6.2023
<b>Result of final vote</b>	+ : 38 - : 0 0 : 8
<b>Members present for the final vote</b>	João Albuquerque, Atidzhe Alieva-Veli, Marc Angel, Vilija Blinkevičiūtė, Milan Brglez, David Casa, Leila Chaibi, Ilan De Basso, Margarita de la Pisa Carrión, Özlem Demirel, Jarosław Duda, Lucia Ďuriš Nicholsonová, Loucas Furlas, Cindy Franssen, Chiara Gemma, Helmut Geuking, Elisabetta Gualmini, Agnes Jongerius, Irena Joveva, Radan Kanev, Katrin Langensiepen, Miriam Lexmann, Elena Lizzi, Sara Matthieu, Jörg Meuthen, Max Orville, Kira Marie Peter-Hansen, Dragoș Pîslaru, Dennis Radtke, Elżbieta Rafalska, Daniela Rondinelli, Mounir Satouri, Romana Tomc, Marianne Vind, Maria Walsh, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Konstantinos Arvanitis, Marc Botenga, Antonio Maria Rinaldi, Anna Zalewska
<b>Substitutes under Rule 209(7) present for the final vote</b>	Clara Aguilera, Attila Ara-Kovács, Marie Dauchy, Marian-Jean Marinescu, Karen Melchior, Maite Pagazaurtundúa

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

38	+
PPE	David Casa, Jarosław Duda, Loucas Fourlas, Cindy Franssen, Helmut Geuking, Radan Kanev, Miriam Lexmann, Marian-Jean Marinescu, Dennis Radtke, Romana Tomc, Maria Walsh, Tomáš Zdechovský
Renew	Atidzhe Alieva-Veli, Lucia Ďuriš Nicholsonová, Irena Joveva, Karen Melchior, Max Orville, Maite Pagazaurtundúa, Dragoș Pîslaru
S&D	Clara Aguilera, João Albuquerque, Marc Angel, Attila Ara-Kovács, Vilija Blinkevičiūtė, Milan Brglez, Ilan De Basso, Elisabetta Gualmini, Agnes Jongerius, Daniela Rondinelli, Marianne Vind
The Left	Konstantinos Arvanitis, Marc Botenga, Leila Chaibi, Özlem Demirel
Verts/ALE	Katrin Langensiepen, Sara Matthieu, Kira Marie Peter-Hansen, Mounir Satouri

0	-

8	0
ECR	Chiara Gemma, Margarita de la Pisa Carrión, Elżbieta Rafalska, Anna Zalewska
ID	Marie Dauchy, Elena Lizzi, Antonio Maria Rinaldi
NI	Jörg Meuthen

### Key to symbols:

+ : in favour

- : against

0 : abstention

12.01.2023

## **LETTER OF THE COMMITTEE ON BUDGETS**

Ms Anna Cavazzini  
Chair  
Committee on the Internal Market and Consumer Protection  
BRUSSELS

Subject: Opinion on the 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 (2022/0278 (COD))

Dear Chair,

At their meeting of 26 October 2022, the Committee on Budgets' Coordinators decided to adopt an opinion in the form of a letter on the above-mentioned proposal and mandated me to convey the position set out below.

### **Background to the proposal and overall budgetary implications**

The Commission's proposal has the objective of ensuring a coordinated approach to anticipate, prepare for and respond to crises with major effects that threaten the functioning of the Single Market, and where no EU instrument already exists or where the existing instruments do not lay down crisis-relevant provisions.

More specifically, the proposal is intended to equip the EU with a crisis toolbox to minimise obstacles to the free movement of goods, services and persons and facilitate quick and practical solutions to supply chain issues in times of crisis. The toolbox includes:

- a group advising the Commission on the appropriate measures for anticipating, preventing or responding to the impact of a crisis on the Single Market;
- measures for obtaining, sharing and exchanging relevant information;
- contingency measures aimed at anticipating and planning e.g. training on crisis coordination, cooperation and information exchange for liaison officers in the Member States;
- vigilance measures for addressing impacts of significant incidents on the single market (not yet emergencies) e.g. monitoring of the supply chains of goods and services of strategic importance or identification of goods of strategic importance for which it may be necessary to build a reserve;

- emergency response measures, e.g. request of information from economic operators on their production capacities and existing stocks of crisis-relevant goods or prioritisation of certain orders for the production or supply of crisis-relevant goods.

Some measures, e.g. procurement by the Commission on behalf of Members States, can be activated under both the vigilance and emergency modes.

These two modes are to be activated for a maximum duration of six months via implementing acts. Some measures under each mode are also to be activated by means of delegated or implementing acts.

According to the legislative financial statement accompanying the proposal, the costs would amount to EUR 3.08 million for the period 2024-2027 of which:

- EUR 2.63 million for the recurrent costs of 5 FTE within the Commission. It will be in principle covered under the heading 7 “administrative expenditure”;
- EUR 0.45 million for the costs for the planned training activities and the necessary extension of the IT tool used for notification. It would be covered by redeployment under the single market programme.

The additional crisis management costs in the Commission are deemed unpredictable and thus are not included in the legislative financial statement. They would be covered in principle via internal redeployment of Union resources under heading 1 “single market, innovation and digital” and/or heading 7 “administrative expenditure”.

### **Position of the Committee on Budgets**

The Committee on Budgets makes the following observations with respect to the budgetary implications of the proposal, which I would ask you to take into account in the preparation of the European Parliament position as well as during the trilogues:

1. The long-standing position of the European Parliament is that new tasks and responsibilities should be matched with fresh resources and not financed by redeployment. Although the amounts involved, at least at this stage, are small, it therefore seems appropriate for the Committee on the Internal Market and Consumer Protection to challenge the approach of redeploying resources within the Single Market programme to finance the Single Market emergency instrument.
2. The legislative financial statement accompanying the proposal is partial and captures only the costs of the initiative in the absence of a crisis. The budgetary margin under heading 1 is very tight and even tighter under heading 7. The Commission is to provide a forecast of the costs possibly incurred with the activation of the vigilance and emergency modes over one year. It will be necessary to evaluate if the Commission would be able to deliver the intended measures in the event of a crisis within the existing budgetary margins and without impacting on other agreed programmes. In case the evaluation shows that there are not enough margins available to respond to possible crisis, this should have to be factored into the revision of the functioning of the Multiannual Financial Framework.

3. In the event of changes with appreciable budgetary consequences introduced by the co-legislators during the negotiations, the Committee on the Internal Market and Consumer Protection could ask the Commission to update the legislative financial statement accordingly. Such changes could include inter alia a different split in the tasks entrusted to the Commission and the Member States or a change in the distribution of measures across the different modes. If not addressed in the frame of the negotiations, this could lead to a situation where the necessary resources could not be made available in the annual budgetary procedure as has happened with some past initiatives.
6. The Committee on Budgets remains available to support the process.

Yours sincerely,

Johan Van Overtveldt

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Establishing a Single Market emergency instrument and repealing Council Regulation No (EC) 2679/98			
<b>References</b>	COM(2022)0459 – C9-0315/2022 – 2022/0278(COD)			
<b>Date submitted to Parliament</b>	19.9.2022			
<b>Committee responsible</b> Date announced in plenary	IMCO 9.11.2022			
<b>Committees asked for opinions</b> Date announced in plenary	BUDG 9.11.2022	ECON 9.11.2022	EMPL 9.11.2022	ITRE 15.12.2022
	TRAN 19.1.2023	LIBE 9.11.2022		
<b>Not delivering opinions</b> Date of decision	ECON 25.1.2023	TRAN 31.1.2023	LIBE 29.11.2022	
<b>Associated committees</b> Date announced in plenary	ITRE 20.4.2023			
<b>Rapporteurs</b> Date appointed	Andreas Schwab 16.12.2022			
<b>Discussed in committee</b>	24.1.2023	28.3.2023	25.4.2023	28.6.2023
<b>Date adopted</b>	18.7.2023			
<b>Result of final vote</b>	+: 31 -: 8 0: 2			
<b>Members present for the final vote</b>	Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Biljana Borzan, Vlad-Marius Botoș, Markus Buchheit, Anna Cavazzini, Deirdre Clune, David Cormand, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Krzysztof Hetman, Virginie Joron, Eugen Jurzyca, Kateřina Konečná, Maria-Manuel Leitão-Marques, Antonius Manders, Leszek Miller, Anne-Sophie Pelletier, René Repasi, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róża Thun und Hohenstein, Tom Vandenkendelaere, Kim Van Sparrentak, Marion Walsmann			
<b>Substitutes present for the final vote</b>	Marco Campomenosi, Claude Gruffat, Ivars Ijabs, Karen Melchior, Tsvetelina Penkova, Kosma Złotowski			
<b>Substitutes under Rule 209(7) present for the final vote</b>	Eric Minardi, Paulo Rangel, Grzegorz Tobiszowski			
<b>Date tabled</b>	25.7.2023			

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

31	+
PPE	Pablo Arias Echeverría, Deirdre Clune, Krzysztof Hetman, Antonius Manders, Paulo Rangel, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Sandro Gozi, Ivars Ijabs, Karen Melchior, Róza Thun und Hohenstein
S&D	Brando Benifei, Biljana Borzan, Maria Grapini, Maria-Manuel Leitão-Marques, Leszek Miller, Tsvetelina Penkova, René Repasi, Christel Schaldemose
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Claude Gruffat, Kim Van Sparrentak

8	-
ECR	Adam Bielan, Eugen Jurzyca, Grzegorz Tobiszowski, Kosma Złotowski
ID	Markus Buchheit, Virginie Joron, Eric Minardi
Renew	Svenja Hahn

2	0
ID	Alessandra Basso, Marco Campomenosi

Key to symbols:

+ : in favour

- : against

0 : abstention