



**2017/0087(COD)**

28.3.2018

# **AMENDMENTS**

## **56 - 395**

**Draft report**

**Eva Maydell**

(PE612.279v01-00)

on the proposal for a regulation of the European Parliament and of the Council setting out the conditions and procedure by which the Commission may request undertakings and associations of undertakings to provide information in relation to the internal market and related areas

Proposal for a regulation

(COM(2017)0257 – C8-0140/2017 – 2017/0087(COD))



**Amendment 56**  
**Mylène Troszczynski**

**Proposal for a regulation**

—

*Proposal for a rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. fr

**Amendment 57**  
**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**

—

*Proposal for a rejection*

***The European Parliament rejects the  
Commission proposal.***

Or. en

*Justification*

*The impact of the Regulation on the Internal market and all stakeholders is difficult to predict as it will very much depend on the extent to, and manner in which, the Commission intends to use the new investigative tool which is unclear at the moment. For instance, undertakings might suffer and might be forced to end their business, which can lead in distortion of the competition on the Internal Market, and thus to diminished supply and higher prices of the products and services for consumers.*

**Amendment 58**  
**Jasenko Selimovic, Dita Charanzová, Richard Sulík, Morten Løkkegaard**

**Proposal for a regulation**

—

*Proposal for a rejection*

***The European Parliament rejects the Commission proposal.***

Or. en

**Amendment 59**

**Virginie Rozière, Lucy Anderson, Nicola Danti, Marc Tarabella**

**Proposal for a regulation**

**Citation 1**

*Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular **Articles 43(2), 91, 100, 114, 192, 194(2) and 337** thereof,

*Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular **Article 337** thereof,

Or. en

*Justification*

*Following the opinion of the Legal Service of the European Parliament, and awaiting the opinion of the committee of Legal Affairs on the legal basis of the proposed Regulation in application of the RoP 39, it is opportune to restrict the legal basis to the Article 337 TFUE as advised by the Legal Service.*

**Amendment 60**

**Jasenko Selimovic, Dita Charanzová**

**Proposal for a regulation**

**Citation 1**

*Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular **Articles 43(2), 91, 100, 114, 192, 194(2) and 337** thereof,

*Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular **Article 114** thereof,

Or. en

## **Amendment 61**

**Richard Sulík, Edward Czesak, Daniel Dalton**

### **Proposal for a regulation**

#### **Citation 1**

*Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular **Articles 43(2), 91, 100, 114, 192, 194(2) and 337** thereof,

*Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular **Article 337** thereof,

Or. en

## **Amendment 62**

**Eva Maydell**

### **Proposal for a regulation**

#### **Citation 1**

*Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular **Articles 43(2), 91, 100, 114, 192, 194(2)** and 337 thereof,

*Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular **Articles 114** and 337 thereof,

Or. en

## **Amendment 63**

**Edward Czesak**

### **Proposal for a regulation**

#### **Recital 1**

*Text proposed by the Commission*

(1) In accordance with Article 3(3) of Treaty on European Union (TEU), the establishment of an internal market is one of the main objectives to be reached by the Union in cooperation with the Member

*Amendment*

(1) In accordance with Article 3(3) of Treaty on European Union (TEU), the establishment of an internal market is one of the main objectives to be reached by the Union in cooperation with the Member

States. Pursuant to Article 26(1) of the Treaty on the Functioning of the European Union (TFEU), the Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market. Under Article 26(2) TFEU, the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. The internal market has generated new opportunities and economies of scale for European undertakings, has created jobs, has offered greater choice at lower prices for consumers and has enabled European citizens to live, study and work in the Union. Despite all the progress made, significant difficulties in the establishment and functioning of the internal market remain and European citizens and undertakings are unable to reap the full benefits of the internal market. *In certain cases, suboptimal information affecting the action by the Commission on the application of Union law in the area of the internal market increases the risk of the emergence of difficulties to trade in the internal market resulting from uncoordinated national enforcement activities or multifarious development of national regulatory solutions to those problems.*

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Or. en

**Amendment 64**  
**Jasenko Selimovic, Dita Charanzová**

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

*Text proposed by the Commission*

(1) In accordance with Article 3(3) of Treaty on European Union (TEU), the establishment of an internal market is one of the main objectives to be reached by the

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Union in cooperation with the Member States. Pursuant to Article 26(1) of the Treaty on the Functioning of the European Union (TFEU), the Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market. Under Article 26(2) TFEU, the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. The internal market has generated new opportunities and economies of scale for European undertakings, has created jobs, has offered greater choice at lower prices for consumers and has enabled European citizens to live, study and work in the Union. Despite all the progress made, significant difficulties in the establishment and functioning of the internal market remain and European citizens and undertakings are unable to reap the full benefits of the internal market. In certain cases, suboptimal information affecting the action by the Commission on the application of Union law in the area of the internal market increases the risk of the emergence of difficulties to trade in the internal market resulting from uncoordinated national enforcement activities or multifarious development of national regulatory solutions to those problems.

Union in cooperation with the Member States. Pursuant to Article 26(1) of the Treaty on the Functioning of the European Union (TFEU), the Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market. Under Article 26(2) TFEU, the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. The internal market has generated new opportunities and economies of scale for European undertakings, has created jobs, has offered greater choice at lower prices for consumers and has enabled European citizens to live, study and work in the Union. Despite all the progress made, significant difficulties in the establishment and functioning of the internal market remain and European citizens and undertakings are unable to reap the full benefits of the internal market. *Those difficulties arise particularly when Single market directives are not completely and correctly transposed into Member States' national law by the deadline set out in these directives.* In certain cases, suboptimal information affecting the action by the Commission on the application of Union law in the area of the internal market *at national level* increases the risk of the emergence of difficulties to trade in the internal market resulting from uncoordinated national enforcement activities or multifarious development of national regulatory solutions to those problems.

Or. en

## **Amendment 65**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

### **Proposal for a regulation**

#### **Recital 1**

*Text proposed by the Commission*

(1) In accordance with Article 3(3) of Treaty on European Union (TEU), the establishment of an internal market is one of the main objectives to be reached by the Union *in cooperation* with the Member States. Pursuant to Article 26(1) of the Treaty on the Functioning of the European Union (TFEU), the Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market. Under Article 26(2) TFEU, the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. The internal market has generated new opportunities and economies of scale for European undertakings, has created jobs, has offered greater choice at lower prices for consumers and has enabled European citizens to live, study and work in the Union. Despite all the progress made, significant difficulties in the establishment and functioning of the internal market remain and European citizens and undertakings are unable to reap the full benefits of the internal market. In certain cases, suboptimal information affecting the action by the *Commission* on the application of Union law in the area of the internal market increases the risk of the emergence of difficulties to trade in the internal market resulting from uncoordinated national enforcement activities or multifarious development of national regulatory solutions to those problems.

*Amendment*

(1) In accordance with Article 3(3) of Treaty on European Union (TEU), the establishment of an internal market is one of the main objectives to be reached by the Union *jointly* with the Member States. Pursuant to Article 26(1) of the Treaty on the Functioning of the European Union (TFEU), the Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market. Under Article 26(2) TFEU, the internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured. The internal market has generated new opportunities and economies of scale for European undertakings, has created jobs, has offered greater choice at lower prices for consumers and has enabled European citizens to live, study and work in the Union. Despite all the progress made, significant difficulties in the establishment and functioning of the internal market remain and European citizens and undertakings are unable to reap the full benefits of the internal market. In certain cases, suboptimal information affecting the action by the *European Union* on the application of Union law in the area of the internal market increases the risk of the emergence of difficulties to trade in the internal market resulting from uncoordinated national enforcement activities or multifarious development of national regulatory solutions to those problems.

Or. en

*Justification*

*The Internal Market is a joint competence of the EU and Member States and if the European Commission as Guardian of the Treaties, has an utmost role to play in the control of the application of EU law, Member States are responsible at first of its correct transposition and*



enforcement. Therefore the aim of the SMIT shall be to empower Member States to collect in certain specific circumstances information relevant to the question of the correct application of EU law.

## **Amendment 66**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

### **Proposal for a regulation**

#### **Recital 2**

*Text proposed by the Commission*

*Amendment*

(2) *Article 337 TFEU provides for the Commission's power, within the limits and under the conditions which the Council may lay down acting by a simple majority, to collect any information required for the performance of its tasks. However, in Case C-490/10 European Parliament v Council, the Court has clarified that where the collection of information contributes directly to the achievement of the objectives of a given European Union policy, the act laying down the conditions for such collection must be based on the legal basis which relates to that policy. This Regulation provides not only for a framework in which the Commission can collect information from undertakings and associations of undertakings, but also for measures to enforce the requests for information. Therefore, while taking fully into account the fact that the Commission derives its power to collect information directly from the Treaty, this Regulation should be based, in addition to Article 337 TFEU, on the provisions of Articles 43(2), 91, 100, 192 and 194(2) TFEU and also of Article 114 TFEU, which provides for the adoption of measures necessary for the establishment and functioning of the internal market, including where differences between national rules are such as to obstruct the fundamental freedoms or where it is necessary to prevent the emergence of difficulties in* **deleted**

*the establishment and functioning of the internal market.*

Or. en

*Justification*

*Following the advice of the Legal Service of the European Parliament, the legal bases should be limited to the Article 337 TFEU only.*

**Amendment 67**

**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**

**Recital 2**

*Text proposed by the Commission*

(2) Article 337 TFEU provides for the Commission's power, within the limits and under the conditions which the Council may lay down acting by a simple majority, to collect any information required for the performance of its tasks. However, in Case C-490/10 European Parliament v Council, the Court has clarified that where the collection of information contributes directly to the achievement of the objectives of a given European Union policy, the act laying down the conditions for such collection must be based on the legal basis which relates to that policy. This Regulation provides ***not only*** for a framework in which the Commission can collect information from undertakings and associations of undertakings, ***but also for measures to enforce the requests for information. Therefore, while taking fully into account the fact that the Commission derives its power to collect information directly from the Treaty, this Regulation should be based, in addition to Article 337 TFEU, on the provisions of Articles 43(2), 91, 100, 192 and 194(2) TFEU and also of Article 114 TFEU, which provides for the adoption of measures necessary for the***

*Amendment*

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*establishment and functioning of the internal market, including where differences between national rules are such as to obstruct the fundamental freedoms or where it is necessary to prevent the emergence of difficulties in the establishment and functioning of the internal market.*

Or. en

#### *Justification*

*It shall be understood, that the collection of information from undertakings and associations of undertakings as envisaged by the proposal is not aimed at addressing the potential differences between national rules in terms of the fundamental freedoms, it shall be viewed as an extraordinary tool to gather crucial information necessary for to prove the existence of infringement to the Court of Justice instead.*

#### **Amendment 68**

**Jasenko Selimovic, Dita Charanzová**

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

##### **Recital 2**

#### *Text proposed by the Commission*

(2) ***Article 337 TFEU provides for the Commission's power, within the limits and under the conditions which the Council may lay down acting by a simple majority, to collect any information required for the performance of its tasks. However,*** in Case C-490/10 European Parliament v Council, the Court has clarified that where the collection of information contributes directly to the achievement of the objectives of a given European Union policy, the act laying down the conditions for such collection must be based on the legal basis which relates to that policy. This Regulation provides not only for a framework in which the Commission can collect information from undertakings and associations of undertakings, but also for measures to

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enforce the requests for information. Therefore, while taking fully into account the fact that the Commission derives its power to collect information directly from the Treaty, this Regulation should be based, *in addition to Article 337 TFEU, on the provisions of Articles 43(2), 91, 100, 192 and 194(2) TFEU and also of Article 114 TFEU*, which provides for the adoption of measures necessary for the establishment and functioning of the internal market, including where differences between national rules are such as to obstruct the fundamental freedoms or where it is necessary to prevent the emergence of difficulties in the establishment and functioning of the internal market.

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Or. en

**Amendment 69**  
**Igor Šoltes**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(2) Article 337 TFEU provides for the Commission's power, within the limits and under the conditions which the Council may lay down acting by a simple majority, to collect any information required for the performance of its tasks. However, in Case C-490/10 European Parliament v Council, the Court has clarified that where the collection of information contributes directly to the achievement of the objectives of a given European Union policy, the act laying down the conditions for such collection must be based on the legal basis which relates to that policy. This Regulation provides not only for a framework in which the Commission can collect information from undertakings and associations of undertakings, but also for

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Or. en

## **Amendment 70**

**Maria Grapini**

### **Proposal for a regulation**

#### **Recital 2**

#### *Text proposed by the Commission*

(2) Article 337 TFEU provides for the Commission's power, within the limits and under the conditions which the Council may lay down acting by a simple majority, to collect any information required for the performance of its tasks. However, in Case C-490/10 European Parliament v Council, the Court has clarified that where the collection of information contributes directly to the achievement of the objectives of a given European Union policy, the act laying down the conditions for such collection must be based on the legal basis which relates to that policy. This Regulation provides not only for a framework in which the Commission can

#### *Amendment*

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collect information from undertakings and associations of undertakings, ***if they agree to respond to the requests***, but also for measures to enforce the requests for information. Therefore, while taking fully into account the fact that the Commission derives its power to collect information directly from the Treaty, this Regulation should be based, in addition to Article 337 TFEU, on the provisions of Articles 43(2), 91, 100, 192 and 194(2) TFEU and also of Article 114 TFEU, which provides for the adoption of measures necessary for the establishment and functioning of the internal market, including where differences between national rules are such as to obstruct the fundamental freedoms or where it is necessary to prevent the emergence of difficulties in the establishment and functioning of the internal market.

Or. ro

## **Amendment 71**

**Eva Maydell**

### **Proposal for a regulation**

#### **Recital 2**

#### *Text proposed by the Commission*

(2) Article 337 TFEU provides for the Commission's power, within the limits and under the conditions which the Council may lay down acting by a simple majority, to collect any information required for the performance of its tasks. However, in Case C-490/10 European Parliament v Council, the Court has clarified that where the collection of information contributes directly to the achievement of the objectives of a given European Union policy, the act laying down the conditions for such collection must be based on the legal basis which relates to that policy. This Regulation provides not only for a

#### *Amendment*

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framework in which the Commission can collect information from undertakings and associations of undertakings, but also for measures to enforce the requests for information. Therefore, while taking fully into account the fact that the Commission derives its power to collect information directly from the Treaty, this Regulation should be based, in addition to Article 337 TFEU, on the provisions of **Articles 43(2), 91, 100, 192 and 194(2) TFEU and also of Article 114 TFEU**, which provides for the adoption of measures necessary for the establishment and functioning of the internal market, including where differences between national rules are such as to obstruct the fundamental freedoms or where it is necessary to prevent the emergence of difficulties in the establishment and functioning of the internal market.

framework in which the Commission can collect information from undertakings and associations of undertakings, but also for measures to enforce the requests for information. Therefore, while taking fully into account the fact that the Commission derives its power to collect information directly from the Treaty, this Regulation should be based, in addition to Article 337 TFEU, on the provisions of Article 114 TFEU, which provides for the adoption of measures necessary for the establishment and functioning of the internal market, including where differences between national rules are such as to obstruct the fundamental freedoms or where it is necessary to prevent the emergence of difficulties in the establishment and functioning of the internal market.

Or. en

## Amendment 72

Virginie Rozière, Lucy Anderson, Nicola Danti, Marc Tarabella

### Proposal for a regulation

#### Recital 3

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

(3) Detecting and, where appropriate, addressing ***such*** difficulties in an efficient and effective manner requires timely access to comprehensive, accurate and reliable quantitative and qualitative market information. This is particularly the case ***when*** the Commission acts as guardian of the Treaties, pursuant to Article 17(1) TEU which entrusts the Commission with the tasks ***to ensure*** the application of the Treaties, and of ***the*** measures adopted by the institutions pursuant to them, and ***to oversee*** the application of Union law. As established by the Court of Justice on numerous occasions in the context of

##### *Amendment*

(3) ***Articles 4 and 17 TEU assign certain roles to the Commission and the Member States. Articles 258 and 279 TFEU provide for procedures for the enforcement by the Union institutions of obligations arising under the Treaties.*** Detecting and, where appropriate, addressing difficulties ***in the establishment and functioning of the internal market*** in an efficient and effective manner requires timely access to comprehensive, accurate and reliable quantitative and qualitative market information. This is particularly the case ***where*** the Commission acts as guardian of the Treaties, pursuant to

infringement proceedings under Article 258 TFEU, it is the Commission's responsibility to place before the Court of Justice all the relevant factual information to prove the existence of an infringement. Such information may include in certain instances market information, needed to enable the Court of Justice to establish whether the Union law has been breached.

Article 17(1) TEU, which entrusts the Commission with the tasks *of ensuring* the application of the Treaties and of measures adopted by the institutions pursuant to them, and *of overseeing* the application of Union law. As established by the Court of Justice on numerous occasions in the context of infringement proceedings under Article 258 TFEU, it is the Commission's responsibility to place before the Court of Justice all the relevant factual information to prove the existence of an infringement. Such information may include in certain instances market information, needed to enable the Court of Justice to establish whether the Union law has been breached.

Or. en

### *Justification*

*The amendment is needed to (re)place the SMIT as an accessory tool in the procedure for failure to comply preserving the institutional equilibrium regarding competences and procedures.*

## **Amendment 73**

**Igor Šoltes**

### **Proposal for a regulation**

#### **Recital 3**

#### *Text proposed by the Commission*

(3) Detecting and, where appropriate, addressing such difficulties in an efficient and effective manner requires timely access to comprehensive, accurate and reliable quantitative and qualitative market information. This is particularly the case when the Commission acts as guardian of the Treaties, pursuant to Article 17(1) TEU which entrusts the Commission with the tasks to ensure the application of the Treaties, and of the measures adopted by the institutions pursuant to them, and to oversee the application of Union law. As

#### *Amendment*

(3) Detecting and, where appropriate, addressing such difficulties in an efficient and effective manner requires timely access to comprehensive, accurate and reliable quantitative and qualitative market information *at the appropriate level*. This is particularly the case when the Commission acts as guardian of the Treaties, pursuant to Article 17(1) TEU which entrusts the Commission with the tasks to ensure the application of the Treaties, and of the measures adopted by the institutions pursuant to them, and to



established by the Court of Justice on numerous occasions in the context of infringement proceedings under Article 258 TFEU, it is the Commission's responsibility to place before the Court of Justice all the relevant factual information to prove the existence of an infringement. Such information may include in certain instances market information, needed to enable the Court of Justice to establish whether the Union law has been breached.

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Or. en

#### **Amendment 74**

**Richard Sulík, Jasenko Selimovic, Edward Czesak, Daniel Dalton**

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

#### **Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*(3a) Undertakings and associations of undertakings recognize the importance of the well-functioning internal market, which has been proved by their willingness to cooperate with the Commission. As evidenced by numerous cases, undertakings and associations of undertakings respond to the requests of the Commission to provide also information on a voluntary basis.*

*Nevertheless, it shall be noted, that such tool may prove useful in case when well-targeted and timely information is needed in order to prove the existence of infringement vis-à-vis à Member States.*

Or. en

## Amendment 75

Richard Sulík, Jasenko Selimovic, Edward Czesak, Daniel Dalton

### Proposal for a regulation

#### Recital 3 b (new)

*Text proposed by the Commission*

*Amendment*

**(3b) *The introduction of the Single Market Information Tool does not aim to gather confidential business-related information from undertakings and association of undertakings for the purpose of creating new policies.***

Or. en

## Amendment 76

Virginie Rozière, Lucy Anderson, Marc Tarabella

### Proposal for a regulation

#### Recital 4

*Text proposed by the Commission*

*Amendment*

(4) The Commission ***does not have*** general ***investigative*** powers of its own to help it enforce Union law in the area of the internal market. The existing investigative powers related to the competition rules, as prescribed by Council Regulation (EC) No 1/2003,<sup>26</sup> Council Regulation (EC) No 139/2004<sup>27</sup> and Council Regulation (EU) 2015/1589,<sup>28</sup> are limited by their legal basis to defined areas and do not allow the collection and use of the gathered information for other internal market-related policy purposes.

(4) ***As regard its role of the Guardian of the Treaties laid down by Article 17 TEU and its prominent role in the procedure for failure to comply laid down by Article 258 TFEU, the Commission has*** general powers of its own to help it enforce Union law in the area of the internal market. ***As provided by Article 40f of the TEU, Member States are extensively bound by duties to cooperate loyally with the European Union and to assist the European institutions in the accomplishment of their missions.*** The existing investigative powers related to the competition rules, as prescribed by Council Regulation (EC) No 1/2003,<sup>26</sup> Council Regulation (EC) No 139/2004<sup>27</sup> and Council Regulation (EU) 2015/1589,<sup>28</sup> are limited by their legal basis to defined areas and do not allow the collection and use of the gathered information for other internal market-related policy purposes.

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<sup>26</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

<sup>27</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 32, 5.2.2004, p. 1).

<sup>28</sup> Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 24.9.2015, p. 9).

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<sup>26</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

<sup>27</sup> Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ L 32, 5.2.2004, p. 1).

<sup>28</sup> Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 24.9.2015, p. 9).

Or. en

### *Justification*

*The current institutional framework offers a general competence to the European Commission as regard the control of the correct application of EU law. Member States have a clear and strong obligation to cooperate with the Commission and to assist it in the accomplishment of its duties as Guardian of the Treaties. This goes as far as covering actions of individuals (aff. C-265/95 or aff. C-341/05).*

### **Amendment 77** **Evelyne Gebhardt**

### **Proposal for a regulation** **Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***(4a) Specifically in the area of the internal market, this leads to cross-border barriers which have a negative impact on the consumer. These include different product quality depending on the State, geographic discrimination based on location or even unfair competition in respect of posted workers. The investigative tool provided for in this Regulation should also prove useful for public procurement procedures.***

*Restrictive practices by Member States often prevent undertakings from participating in tenders. Although Member States are the Commission's main source of information, there are cross-border situations in which it is undertakings that have relevant information - they, for their part, indicate that there is a risk to the proper functioning of the internal market.*

Or. de

**Amendment 78**  
**Edward Czesak**

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

*Text proposed by the Commission*

*Amendment*

*(5) As recognised by the Court of Justice, when enforcing Union law, the Commission, whereas it may rely on indicia, is largely reliant on the information provided by complainants, by public and private bodies, and by the Member States concerned. Pursuant to Article 4(3) TEU, Member States are under the duty, as recalled several times by the Court of Justice, to facilitate the Commission's tasks, including in particular its role as guardian of the Treaties. However, Member States may not always have access to the relevant market information that the Commission would need to perform its tasks or their national rules on information collection may prevent them from disclosing the information collected.*

*deleted*

Or. en

**Amendment 79**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

*Text proposed by the Commission*

(5) As recognised by the Court of Justice, when enforcing Union law, the Commission, whereas it may rely on indicia, is largely reliant on the information provided by complainants, by public and private bodies, and by the Member States concerned. Pursuant to Article 4(3) TEU, Member States are under the duty, as recalled several times by the Court of Justice, to facilitate the Commission's tasks, including in particular its role as guardian of the Treaties. ***However, Member States may not always have access to the relevant market information that the Commission would need to perform its tasks or their national rules on information collection may prevent them from disclosing the information collected.***

*Amendment*

(5) As recognised by the Court of Justice, when enforcing Union law, the Commission, whereas it may rely on indicia, is largely reliant on the information provided by complainants, by public and private bodies, and by the Member States concerned. Pursuant to Article 4(3) TEU, Member States are under the duty, as recalled several times by the Court of Justice, to facilitate the Commission's tasks, including in particular its role as guardian of the Treaties.

Or. en

*Justification*

*In the current state of the procedure laid by Article 258, the burden of proof is on the European Commission and Member States have the duties to help the Commission by providing information that are asked in the pre-litigation phase (letter of formal notice and reasoned opinion). The European Commission can directly ask information to undertakings in the field of competition as in this very field, the Treaties provide an exclusive competence to the Commission (title VII).*

**Amendment 80**  
**Jasenko Selimovic, Dita Charanzová, Richard Sulík**

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

*Text proposed by the Commission*

(7) Although the current regulatory framework as regards the Commission's

*Amendment*

(7) Although the current regulatory framework as regards the Commission's

means to obtain information for addressing difficulties to the establishment and functioning of the internal market rules works efficiently for a great majority of cases, challenges arise in specific situations where detailed, comparable, up-to-date, and often confidential, specific market data are necessary within a limited time frame. Indeed, a sound economic analysis is particularly appropriate for assessing the existence of difficulties to the establishment and functioning of the internal market in complex cases with cross-border dimension, notably when those cases relate to fast-moving markets, new economic activities or new business models challenging existing economic assumptions. However, completing such assessment may turn to be difficult in the absence of sufficient and comparable information. This renders the task of the Commission to ensure the application of Union law more difficult in those specific situations.

means to obtain information for addressing difficulties to the establishment and functioning of the internal market rules works efficiently for a great majority of cases, challenges arise in ***a limited amount of*** specific situations where detailed, comparable, up-to-date, and often confidential, specific market data are necessary within a limited time frame. Indeed, a sound economic analysis is particularly appropriate for assessing the existence of difficulties to the establishment and functioning of the internal market in complex cases with cross-border dimension, notably when those cases relate to fast-moving markets, new economic activities or new business models challenging existing economic assumptions. However, completing such assessment may turn to be difficult in the absence of sufficient and comparable information. This renders the task of the Commission to ensure the application of Union law more difficult in those specific situations.

Or. en

## Amendment 81

Richard Sulík, Edward Czesak, Daniel Dalton

### Proposal for a regulation

#### Recital 8

*Text proposed by the Commission*

(8) ***Where detailed, comparable, up-to-date, and often confidential market information could only be obtained from market players in a timely manner, it appears therefore appropriate, as a last resort, to empower the Commission, within the limits and under the conditions laid down in this Regulation, to request undertakings and associations of undertakings to directly provide it, in a timely manner, with comprehensive,***

*Amendment*

(8) ***Before requesting*** information, the Commission should first adopt a decision stating why other means to obtain the necessary information have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law.

*accurate and reliable quantitative and qualitative market information where other sources of information have proven unavailable, insufficient or inadequate.*

*To this effect*, the Commission should first adopt a decision stating why other means to obtain the necessary information have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law.

Or. en

## **Amendment 82**

### **Philippe Juvin**

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

#### **Recital 8**

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

(8) Where detailed, comparable, up-to-date, and often confidential market information could only be obtained from market players in a timely manner, it appears therefore appropriate, as a last resort, to empower the Commission, within the limits and under the conditions laid down in this Regulation, to request undertakings and associations of undertakings to directly provide it, in a timely manner, with comprehensive, accurate and reliable quantitative and qualitative market information where other sources of information have proven unavailable, insufficient or inadequate. To this effect, the Commission should first adopt a decision stating why other means to obtain the necessary information have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law.

##### *Amendment*

(8) Where detailed, comparable, up-to-date, and often confidential market information could only be obtained from market players in a timely manner, it appears therefore appropriate, as a last resort, to empower the Commission, within the limits and under the conditions laid down in this Regulation, to request undertakings and associations of undertakings to directly provide it, in a timely manner, with comprehensive, accurate and reliable quantitative and qualitative market information where other sources of information have proven unavailable, insufficient or inadequate. To this effect, the Commission should first adopt a decision stating why other means to obtain the necessary information have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law. ***It includes all undertakings regardless of the source of their financing, whether they are governed by public law or private law, and***

*whether or not they are active as a matter of course on the market.*

Or. en

#### **Amendment 83**

**Jasenko Selimovic, Dita Charanzová**

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

##### **Recital 8**

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

(8) Where detailed, comparable, up-to-date, and often confidential market information could only be obtained from market players in a timely manner, it appears therefore appropriate, as a last resort, to empower the Commission, within the limits and under the conditions laid down in this Regulation, to request undertakings and associations of undertakings to directly provide it, in a timely manner, with comprehensive, accurate and reliable quantitative and qualitative market information where other sources of information have proven unavailable, insufficient or inadequate. To this effect, the Commission should first adopt a decision stating **why** other means to obtain the necessary information have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law.

###### *Amendment*

(8) Where detailed, comparable, up-to-date, and often confidential market information could only be obtained from market players in a timely manner, it appears therefore appropriate, as a last resort, to empower the Commission, within the limits and under the conditions laid down in this Regulation, to request undertakings and associations of undertakings to directly provide it, in a timely manner, with comprehensive, accurate and reliable quantitative and qualitative market information where other sources of information have proven unavailable, insufficient or inadequate. To this effect, the Commission should first adopt a decision stating **what** other means to obtain the necessary information **have been consulted as well as why those other means** have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law.

Or. en

#### **Amendment 84**

**Dennis de Jong**

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

##### **Recital 8**



*Text proposed by the Commission*

(8) Where detailed, comparable, up-to-date, and often confidential market information could only be obtained from market players in a timely manner, it appears therefore appropriate, as a last resort, to empower the Commission, within the limits and under the conditions laid down in this Regulation, to **request** undertakings and associations of undertakings to directly provide it, in a timely manner, with comprehensive, accurate and reliable quantitative and qualitative market information where other sources of information have proven unavailable, insufficient or inadequate. To this effect, the Commission should first adopt a decision stating why other means to obtain the necessary information have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law.

*Amendment*

(8) Where detailed, comparable, up-to-date, and often confidential market information could only be obtained from market players in a timely manner, it appears therefore appropriate, as a last resort, to empower the Commission, within the limits and under the conditions laid down in this Regulation, to ***publish a call for information directed at*** undertakings and associations of undertakings to directly provide it, in a timely manner, with comprehensive, accurate and reliable quantitative and qualitative market information where other sources of information have proven unavailable, insufficient or inadequate. To this effect, the Commission should first adopt a decision stating why other means to obtain the necessary information have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law.

Or. en

**Amendment 85**  
**Maria Grapini**

**Proposal for a regulation**  
**Recital 8**

*Text proposed by the Commission*

(8) Where detailed, comparable, up-to-date, and often confidential market information could only be obtained from market players in a timely manner, it appears therefore appropriate, as a last resort, to empower the Commission, within the limits and under the conditions laid down in this Regulation, to request undertakings and associations of undertakings to directly provide it, in a

*Amendment*

(8) Where detailed, comparable, up-to-date, and often confidential market information could only be obtained from market players in a timely manner, it appears therefore appropriate, as a last resort, to empower the Commission, within the limits and under the conditions laid down in this Regulation, to request ***Member States to ask*** undertakings and associations of undertakings to directly

timely manner, with comprehensive, accurate and reliable quantitative and qualitative market information where other sources of information have proven unavailable, insufficient or inadequate. To this effect, the Commission should first adopt a decision stating why other means to obtain the necessary information have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law.

provide it, in a timely manner, with comprehensive, accurate and reliable quantitative and qualitative market information where other sources of information have proven unavailable, insufficient or inadequate. To this effect, the Commission should first adopt a decision stating why other means to obtain the necessary information have proven ineffective. It is understood that the notion of undertaking has the same meaning as in other areas of EU law, in particular competition law.

Or. ro

**Amendment 86**  
**Maria Grapini**

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

*Text proposed by the Commission*

(9) To ensure that the operation of this Regulation will involve Member States, reflecting the principle of sincere cooperation between the Commission and the Member States stipulated in Article 4(3) TEU, it is appropriate to provide that any Commission decision stating its intention to use the power to request information from undertakings or associations of undertakings under this Regulation shall be notified to the Member State or the Member States concerned without delay.

*Amendment*

(9) To ensure that the operation of this Regulation will involve Member States, reflecting the principle of sincere cooperation between the Commission and the Member States stipulated in Article 4(3) TEU, it is appropriate to provide that any Commission decision stating its intention to use the power to request information from undertakings or associations of undertakings, ***which may provide it on a voluntary basis***, under this Regulation shall be notified to the Member State or the Member States concerned without delay.

Or. ro

**Amendment 87**  
**Virginie Rozière, Lucy Anderson, Nicola Danti, Marc Tarabella**

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

*Text proposed by the Commission*

(10) Such empowerment does not aim at creating new enforcement powers for the Commission such as, in particular, the powers to pursue infringements of Union law in the internal market area against individual market participants. Its purpose is rather to provide the Commission with additional fact-finding ability where this is strictly required for performing the task entrusted to the Commission by the TFEU to ensure the application of Union law in relation to the aim of establishing and ensuring the functioning of the internal market. ***In the interest of the establishment of a fully functioning internal market, it is appropriate to clarify that such empowerment covers also those economic sectors within the internal market for which TFEU has foreseen common policies: agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy.***

*Amendment*

(10) Such empowerment does not aim at creating new enforcement powers for the Commission such as, in particular, the powers to pursue infringements of Union law in the internal market area against individual market participants. Its purpose is rather to provide the Commission with additional fact-finding ability where this is strictly required for performing the task entrusted to the Commission by the TFEU to ensure the application of Union law in relation to the aim of establishing and ensuring the functioning of the internal market.

Or. en

*Justification*

*Same reasoning as regard the legal bases (only article 337).*

**Amendment 88**  
**Jiří Pospíšil**

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

*Text proposed by the Commission*

(10) Such empowerment does not aim at creating new enforcement powers for the Commission such as, in particular, the

*Amendment*

(10) Such empowerment does not aim at creating new enforcement powers for the Commission such as, in particular, the

powers to pursue infringements of Union law in the internal market area against individual market participants. Its purpose is rather to provide the Commission with additional fact-finding ability where this is strictly required for performing the task entrusted to the Commission by the TFEU to ensure the application of Union law in relation to the aim of establishing and ensuring the functioning of the internal market. *In the interest of the establishment of a fully functioning internal market, it is appropriate to clarify that such empowerment covers also those economic sectors within the internal market for which TFEU has foreseen common policies: agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy.*

powers to pursue infringements of Union law in the internal market area against individual market participants. Its purpose is rather to provide the Commission with additional fact-finding ability where this is strictly required for performing the task entrusted to the Commission by the TFEU to ensure the application of Union law in relation to the aim of establishing and ensuring the functioning of the internal market.

Or. cs

#### **Amendment 89**

**Jasenکو Selimovic, Dita Charanzová, Richard Sulík**

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

##### **Recital 10**

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

(10) Such empowerment does not aim at creating new enforcement powers for the Commission such as, in particular, the powers to pursue infringements of Union law in the internal market area against individual market participants. Its purpose is rather to provide the Commission with additional fact-finding ability where this is strictly required for performing the *task entrusted to the Commission by the TFEU to ensure the application of Union law in relation to* the aim of establishing and ensuring the functioning of the internal market. In the interest of the establishment of a fully functioning internal market, it is appropriate to clarify that such

###### *Amendment*

(10) Such empowerment does not aim at creating new enforcement powers for the Commission such as, in particular, the powers to pursue infringements of Union law in the internal market area against individual market participants. Its purpose is rather to provide the Commission with additional fact-finding ability where this is strictly required for performing the *Commission's responsibility to submit to the Court of Justice all the relevant factual information to prove the existence of an infringement with* the aim of establishing and ensuring the functioning of the internal market *in the framework of infringement procedures against Member*

empowerment covers also those economic sectors within the internal market for which TFEU has foreseen common policies: agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy.

**States.** In the interest of the establishment of a fully functioning internal market, it is appropriate to clarify that such empowerment covers also those economic sectors within the internal market for which TFEU has foreseen common policies: agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy.

Or. en

## **Amendment 90**

**Richard Sulík, Edward Czesak, Daniel Dalton**

### **Proposal for a regulation**

#### **Recital 11**

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

(11) ***For this investigative tool to be effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations.*** In order to minimise costs of replying to requests for information, such requests should only cover information that is likely to be at the disposal of the undertaking or association of undertakings concerned.

##### *Amendment*

(11) In order to minimise costs of replying to requests for information, such requests should only cover information that is likely to be at the disposal of the undertaking or association of undertakings concerned ***(its 'raw data')***. ***The Commission cannot request information that needs to be aggregated according to specific criteria, spans a long period of time or goes significantly back in time, as this may prove unduly burdensome.***

Or. en

##### *Justification*

*The requests for information by the Commission shall not include any demands for*

*elaboration of comprehensive analysis, figures and graphs, which are unlikely to be at disposal of the undertaking and thus which might imply additional costs. Retention policies of undertakings and associations of undertakings shall be taken into account with respect to the request of information going significantly back in time.*

## **Amendment 91**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Recital 11**

*Text proposed by the Commission*

(11) For this *investigative* tool to be effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. *It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations.* In order to minimise costs of replying to requests for information, such requests should only cover information that is *likely to be* at the disposal of the undertaking or association of undertakings concerned.

*Amendment*

(11) For this tool to be effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. In order to minimise costs of replying to requests for information, such requests should only cover information that is at the disposal of the undertaking or association of undertakings concerned.

Or. en

## **Amendment 92**

**Jasenko Selimovic, Dita Charanzová**

### **Proposal for a regulation**

#### **Recital 11**

*Text proposed by the Commission*

(11) For this investigative tool to be effective, the information sought should

*Amendment*

(11) For this investigative tool to be effective, the information sought should

relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to minimise costs of replying to requests for information, such requests should only ***cover information that is likely to be at the disposal of the undertaking or association*** of undertakings ***concerned***.

relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to minimise costs of replying to requests for information, such requests should only ***be addressed to undertakings and associations*** of undertakings ***that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States***.

Or. en

## **Amendment 93**

### **Philippe Juvin**

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

#### **Recital 11**

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

(11) For this investigative tool to be effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to minimise costs of replying to requests for information, such requests should only cover information that is ***likely to be*** at the

##### *Amendment*

(11) For this investigative tool to be effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to minimise costs of replying to requests for information, such requests should only cover information that is at the disposal of

disposal of the undertaking or association of undertakings concerned.

the undertaking or association of undertakings concerned, ***but that does not concern business secrets.***

Or. fr

#### **Amendment 94**

**Jiří Pospíšil**

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

##### **Recital 11**

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

(11) For this investigative tool to be effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to minimise costs of replying to requests for information, such requests should only cover information that is likely to be at the disposal of the undertaking or association of undertakings concerned.

###### *Amendment*

(11) For this investigative tool to be effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to minimise costs of replying to requests for information, such requests should only cover information that is ***most*** likely to be at the disposal of the undertaking or association of undertakings concerned.

Or. cs

#### **Amendment 95**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

##### **Recital 11**

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

(11) For this ***investigative*** tool to be

###### *Amendment*

(11) For this ***informative*** tool to be



effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to minimise costs of replying to requests for information, such requests should only cover information that is likely to be at the disposal of the undertaking or association of undertakings concerned.

effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to minimise costs of replying to requests for information, such requests should only cover information that is likely to be at the disposal of the undertaking or association of undertakings concerned.

Or. en

### *Justification*

*This tool should only serve an informative purpose*

## **Amendment 96**

**Anna Maria Corazza Bildt**

### **Proposal for a regulation**

#### **Recital 11**

#### *Text proposed by the Commission*

(11) For this investigative tool to be effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to

#### *Amendment*

(11) For this investigative tool to be effective, the information sought should relate to the application of relevant Union law. This may consist, for example, of factual market data, including cost structure, pricing policy, products or services characteristics or geographical distribution of customers and suppliers. It may also consist of undertakings' or associations of undertakings' fact-based analysis of the functioning of the internal market, such as in relation to perceived regulatory and entry barriers or to costs of cross-border operations. In order to

minimise costs of replying to requests for information, *such requests should only cover information that is likely to be at the disposal of the undertaking or association of undertakings concerned.*

minimise costs of replying to requests for information, *undertakings or associations of undertakings concerned by a request for information are encouraged to provide only information which is at their disposal and which incurs no processing costs.*

Or. en

#### **Amendment 97**

**Richard Sulík, Edward Czesak, Daniel Dalton**

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

##### **Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*(11a) The Commission should only be allowed to request undertakings and associations of undertakings to deliver pre-existing documents and the answers to purely factual questions.*

Or. en

#### **Amendment 98**

**Richard Sulík, Edward Czesak, Daniel Dalton**

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

##### **Recital 11 b (new)**

*Text proposed by the Commission*

*Amendment*

*(11b) As enshrined in Article 6 of the European Convention on Human Rights and Articles 47 and 48 of the Charter of Fundamental Rights of the European Union and confirmed by the Court of Justice of the European Union, undertakings and association of undertakings have right for the protection against self-incrimination. Therefore, the right not to give evidence against oneself or the right of silence shall be granted to all undertakings and the associations of*

*undertakings without exception,  
regardless the area of the internal market  
and the nature of information requested  
by the Commission.*

Or. en

**Amendment 99**  
**Edward Czesak**

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

*Text proposed by the Commission*

*Amendment*

*(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at solving a presumed, i.e. based on the available information, serious problem with the application of Union law in the areas of the internal market, agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. Accordingly, sanctions provided for in the instrument are designed to address exclusively two instances. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it*

*deleted*

*difficult to comply with the legislation, with a view to improving the proper application of the internal market rules. With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to this category of undertakings. When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered from SMEs could prove valuable in informing the Commission on difficulties in establishment and functioning of the internal market. Information readily available to SMEs might be of anecdotal nature but it could still alert the Commission about single market difficulties SMEs might suffer from. SMEs would normally not and should not incur any significant additional costs of data gathering in response to this tool. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.*

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<sup>29</sup> Directive 2013/34/EU of the European

*Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).*

Or. en

## **Amendment 100**

**Richard Sulík, Edward Czesak, Daniel Dalton**

### **Proposal for a regulation**

#### **Recital 12**

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

(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at *solving a presumed, i.e. based on the available information, serious problem with the application of Union law in the areas of the internal market, agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy*. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. *Accordingly, sanctions provided for in the instrument are designed to address exclusively two instances. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or*

##### *Amendment*

(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at *supporting the Commission's actual findings in infringement procedures against Member States in pending cases before the Court of Justice of the European Union*. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. With a view to avoid disproportionate administrative burden for *micro, small and medium-sized undertakings unless they are part of a group of undertakings which qualifies at least as a large group under Article 3(7) of Directive 2013/34/EU of the European Parliament and of the Council*<sup>29</sup>, and which are anyway unlikely to be in a position to provide sufficiently

*through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it difficult to comply with the legislation, with a view to improving the proper application of the internal market rules.* With a view to avoid disproportionate administrative burden for *micro-undertakings*, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to *this category* of undertakings. *When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered from SMEs could prove valuable in informing the Commission on difficulties in establishment and functioning of the internal market. Information readily available to SMEs might be of anecdotal nature but it could still alert the Commission about single market difficulties SMEs might suffer from. SMEs would normally not and should not incur any significant additional costs of data gathering in response to this tool. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market.* For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of

relevant information, the Commission should be precluded from issuing requests for information to *these categories* of undertakings. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU should apply.

*the European Parliament and of the Council*<sup>29</sup> should apply.

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

Or. en

**Amendment 101**  
**Jasenko Selimovic, Dita Charanzová**

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

*Text proposed by the Commission*

(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at *solving a presumed, i.e. based on the available information, serious problem* with the *application of Union law in the areas* of the internal market, *agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy*. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. *Accordingly, sanctions provided for in the*

*Amendment*

(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at *helping the Commission to exercise its responsibility to submit to the Court of Justice all the relevant factual information to prove the existence of an infringement* with the *aim of establishing and ensuring the functioning* of the internal market *in the framework of infringement procedures against Member States*. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. With a

*instrument are designed to address exclusively two instances. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it difficult to comply with the legislation, with a view to improving the proper application of the internal market rules.*

With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to this category of undertakings. When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. *While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered from SMEs could prove valuable in informing the Commission on difficulties in establishment and functioning of the internal market. Information readily available to SMEs might be of anecdotal nature but it could still alert the Commission about single market difficulties SMEs might suffer from. SMEs would normally not and should not incur any significant additional costs of data gathering in response to this tool. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up*

view to avoid disproportionate administrative burden for micro-undertakings **and SMEs**, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to this category of undertakings. When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.



**and scale up across the single market.** For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

Or. en

## **Amendment 102**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

### **Proposal for a regulation**

#### **Recital 12**

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

(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at solving a presumed, i.e. based on the available information, serious problem with the application of Union law in the areas of the internal market, ***agriculture and fisheries (excluding the conservation of marine***

##### *Amendment*

(12) When issuing requests for information ***to Member States relative*** to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at solving a presumed, i.e. based on the available information, serious problem with the application of Union law in the areas of the internal market. Their aim is not to prosecute undertakings for the

*biological resources), transport, environment and energy.* Their aim is not to prosecute undertakings for the underpinning behaviour, if any.

*Accordingly, sanctions provided for in the instrument are designed to address exclusively two instances. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it difficult to comply with the legislation, with a view to improving the proper application of the internal market rules.*

With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to this category of undertakings. When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered from SMEs could prove valuable in informing the Commission on difficulties in establishment and functioning of the internal market. Information readily available to SMEs might be of anecdotal nature but it could still alert the Commission about single market difficulties SMEs might suffer from. SMEs would normally not and should not incur any significant additional costs of data gathering in response to this tool. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a

underpinning behaviour, if any. With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to this category of undertakings. When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered from SMEs could prove valuable in informing the Commission on difficulties in establishment and functioning of the internal market. Information readily available to SMEs might be of anecdotal nature but it could still alert the Commission about single market difficulties SMEs might suffer from. SMEs would normally not and should not incur any significant additional costs of data gathering in response to this tool. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.

difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

Or. en

### *Justification*

*The SMIT shall be intended and directed to Member States which are responsible of the correct implementation and enforcement of EU law, such enforcement covering the behaviour of undertakings.*

## **Amendment 103** **Maria Grapini**

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

#### *Text proposed by the Commission*

(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the

#### *Amendment*

(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the

requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at solving a presumed, i.e. based on the available information, serious problem with the application of Union law in the areas of the internal market, agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. Accordingly, sanctions provided for in the instrument ***are designed to address exclusively two instances***. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it difficult to comply with the legislation, with a view to improving the proper application of the internal market rules. With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to ***this category of undertakings***. ***When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality***. While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered from SMEs ***could*** prove valuable in informing the Commission on difficulties in establishment and functioning of the internal market. ***Information readily available to SMEs might be of anecdotal***

requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at solving a presumed, i.e. based on the available information, serious problem with the application of Union law in the areas of the internal market, agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy. Their aim is not to prosecute undertakings for the underpinning behaviour, if any, ***or for not wishing to respond***. Accordingly, sanctions provided for in the instrument ***may be applied only if the undertaking has agreed to submit information and has intentionally responded in an incorrect or misleading manner***. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it difficult to comply with the legislation, with a view to improving the proper application of the internal market rules. With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to ***micro-undertakings and*** small and medium-sized undertakings. SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, ***and*** the information gathered from SMEs ***would not*** prove valuable in informing the Commission on difficulties in establishment and functioning of the internal market. SMEs would not and should not incur any significant additional

***nature but it could still alert the Commission about single market difficulties SMEs might suffer from.***

SMEs would *normally* not and should not incur any significant additional costs of data gathering in response to this tool. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

costs of data gathering in response to this tool. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

Or. ro

## **Amendment 104**

**Igor Šoltes**

### **Proposal for a regulation**

#### **Recital 12**

*Text proposed by the Commission*

(12) When issuing requests for

*Amendment*

(12) When issuing requests for

information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at solving a presumed, i.e. based on the available information, serious problem with the application of Union law in the areas of the internal market, agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. Accordingly, sanctions provided for in *the instrument* are designed to address exclusively two instances. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it difficult to comply with the legislation, with a view to improving the proper application of the internal market rules. With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to this category of undertakings. When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered from SMEs could prove valuable in

information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at solving **or preventing** a presumed, i.e. based on the available information, **difficulty or** serious problem with the application of Union law in the areas of the internal market, agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. Accordingly, sanctions provided for in **this Regulation** are designed to address exclusively two instances. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it difficult to comply with the legislation, with a view to improving the proper application of the internal market rules. With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to this category of undertakings. When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered

informing the Commission on difficulties in establishment and functioning of the internal market. Information readily available to SMEs might be of anecdotal nature but it could still alert the Commission about single market difficulties SMEs might suffer from. SMEs would normally not and should not incur any significant additional costs of data gathering in response to *this tool*. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

from SMEs could prove valuable in informing the Commission on difficulties in establishment and functioning of the internal market. Information readily available to SMEs might be of anecdotal nature but it could still alert the Commission about single market difficulties SMEs might suffer from. ***Taking this into account, SMEs should be subject only to 'simple requests' for information which foresees a lighter regime of sanctions for non-compliance.*** SMEs would normally not and should not incur any significant additional costs of data gathering in response to *'simple requests' for information*. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ and ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

Or. en

**Amendment 105**  
**Philippe Juvin**

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

*Text proposed by the Commission*

(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at solving a presumed, i.e. based on the available information, serious problem with the application of Union law in the areas of the internal market, agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. Accordingly, sanctions provided for in the instrument are designed to address exclusively two instances. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it difficult to comply with the legislation, with a view to improving the proper application of the internal market rules. With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to this

*Amendment*

(12) When issuing requests for information to undertakings and associations of undertakings, the Commission is required to undertake a careful selection of addressees of the requests, so that requests are only addressed to undertakings and associations of undertakings that are capable of providing sufficiently relevant information, notably larger undertakings in the relevant Member States. These requests for information are aimed at solving a presumed, i.e. based on the available information, serious problem with the application of Union law in the areas of the internal market, agriculture and fisheries (excluding the conservation of marine biological resources), transport, environment and energy. Their aim is not to prosecute undertakings for the underpinning behaviour, if any. Accordingly, sanctions provided for in the instrument are designed to address exclusively two instances. They only cover an intentional or through gross negligence lack of a response to a request for information and an intentionally or through gross negligence incorrect, incomplete, or misleading reply. The collected information, if relevant, could also be used to provide insight into situations where undertakings find it **very** difficult to comply with the legislation, with a view to improving the proper application of the internal market rules. With a view to avoid disproportionate administrative burden for micro-undertakings, which are anyway unlikely to be in a position to provide sufficiently relevant information, the Commission should be precluded from issuing requests for information to this



category of undertakings. When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered from SMEs could prove valuable in informing the Commission on difficulties in establishment and functioning of the internal market. Information readily available to SMEs might be of anecdotal nature but it could still alert the Commission about single market difficulties SMEs might suffer from. SMEs would normally not and should not incur any significant additional costs of data gathering in response to this tool. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’ *and* ‘medium-sized undertaking’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

category of undertakings. When issuing requests for information to small and medium-sized undertakings, the Commission should take due account of the principle of proportionality. While SMEs are unlikely to operate at a larger scale enabling them to significantly affect market outcomes, the information gathered from SMEs could prove valuable in informing the Commission on *serious* difficulties in establishment and functioning of the internal market. Information readily available to SMEs might be of *an* anecdotal nature but it could still alert the Commission about *serious* single market difficulties SMEs might suffer from. SMEs would normally not and should not incur any significant additional costs of data gathering in response to this tool. Given their relatively weaker bargaining position in value chains, SMEs might be more forthcoming with information when granted a procedure duly respecting confidentiality and anonymity. Resolving a *serious* difficulty in the single market establishment and functioning could in particular benefit SMEs as it is often the small innovative firms which face the greatest barriers when trying to start up and scale up across the single market. For reasons of consistency and legal certainty, the definitions of ‘micro-undertaking’, ‘small undertaking’, ‘medium-sized undertaking’, ‘*large undertaking*’ *and* ‘*large group*’ of Directive 2013/34/EU of the European Parliament and of the Council<sup>29</sup> should apply.

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<sup>29</sup> Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p.19).

## Amendment 106

Jiří Pospíšil

### Proposal for a regulation

#### Recital 13

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

(13) In the interest of the consistency in the application of Union law in the area of the internal market ***as well as agriculture, fisheries (excluding the conservation of marine biological resources), transport, environment and energy***, it is necessary to establish mechanisms for the sharing of information between the Commission and the Member States in relation to the requests for information and, where appropriate, to the replies to such requests, without prejudice to professional secrecy obligations.

##### *Amendment*

(13) In the interest of the consistency in the application of Union law in the area of the internal market, it is necessary to establish mechanisms for the sharing of information between the Commission and the Member States in relation to the requests for information and, where appropriate, to the replies to such requests, without prejudice to professional secrecy obligations.

Or. cs

## Amendment 107

Virginie Rozière, Lucy Anderson, Nicola Danti, Marc Tarabella

### Proposal for a regulation

#### Recital 13

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

(13) In the interest of the consistency in the application of Union law in the area of the internal market ***as well as agriculture, fisheries (excluding the conservation of marine biological resources), transport, environment and energy***, it is necessary to establish mechanisms for the sharing of information between the Commission and the Member States in relation to the requests for information and, where appropriate, to the replies to such requests,

##### *Amendment*

(13) In the interest of the consistency in the application of Union law in the area of the internal market, it is necessary to establish mechanisms for the sharing of information between the Commission and the Member States in relation to the requests for information and, where appropriate, to the replies to such requests, without prejudice to professional secrecy obligations.

without prejudice to professional secrecy obligations.

Or. en

*Justification*

*Same reasoning on the legal bases.*

**Amendment 108**

**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**

**Recital 14**

*Text proposed by the Commission*

*Amendment*

**(14) The investigative tool provided for in this Regulation is particularly useful for ensuring the application of Union law in the area of the internal market by the Commission. It is also useful, for any subsequent enforcement action by the Member States concerned that would require the use of the relevant information collected using this power and disclosed by the Commission to the Member States concerned. Moreover, where difficulties in the application of existing rules are experienced, including situations where undertakings are not able to comply with the legislation due to lack of legal clarity, this investigative tool could also be useful after the use of other tools and sources of relevant information have proven inadequate, for contributing to the conception or design of regulatory solutions. It is also appropriate not to allow the use of such information for other purposes, in particular the application of the competition rules of the TFEU, without prejudice to the reuse of information made public.** **deleted**

Or. en

### *Justification*

*It is unclear what enforcement action of Member States would be covered by this provision as it might refer to an action brought by a Member State against undertakings that do not comply with certain rules of the Internal Market which would go beyond the stated aim.*

#### **Amendment 109**

**Jasenko Selimovic, Dita Charanzová**

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

##### **Recital 14**

*Text proposed by the Commission*

*Amendment*

**(14)    *The investigative tool provided for in this Regulation is particularly useful for ensuring the application of Union law in the area of the internal market by the Commission. It is also useful, for any subsequent enforcement action by the Member States concerned that would require the use of the relevant information collected using this power and disclosed by the Commission to the Member States concerned. Moreover, where difficulties in the application of existing rules are experienced, including situations where undertakings are not able to comply with the legislation due to lack of legal clarity, this investigative tool could also be useful after the use of other tools and sources of relevant information have proven inadequate, for contributing to the conception or design of regulatory solutions. It is also appropriate not to allow the use of such information for other purposes, in particular the application of the competition rules of the TFEU, without prejudice to the reuse of information made public.***                      ***deleted***

Or. en

#### **Amendment 110**

**Igor Šoltes**

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

*Text proposed by the Commission*

(14) The investigative tool provided for in this Regulation is particularly useful for ensuring the application of Union law in the area of the internal market by the Commission. It is also useful, for any subsequent enforcement action by the Member States concerned that would require the use of the relevant information collected using this power and disclosed by the Commission to the Member States concerned. Moreover, where difficulties in the application of existing rules are experienced, including situations where undertakings are not able to comply with the legislation due to lack of legal clarity, this investigative tool could also be useful **after** the use of other tools and sources of relevant information have proven inadequate, for contributing to the conception or design of regulatory **solutions**. It is also appropriate not to allow the use of such information for other purposes, in particular the application of the competition rules of the TFEU, without prejudice to the reuse of information made public.

*Amendment*

(14) The investigative tool provided for in this Regulation is particularly useful for ensuring the application of Union law in the area of the internal market by the Commission. It is also useful, for any subsequent enforcement action by the Member States concerned that would require the use of the relevant information collected using this power and disclosed by the Commission to the Member States concerned. Moreover, where difficulties in the application of existing rules are experienced, including situations where undertakings are not able to comply with the legislation due to lack of legal clarity, this investigative tool could also be useful **when** the use of other tools and sources of relevant information have proven inadequate, for contributing to the conception or design of regulatory **and enforcement measures**. It is also appropriate not to allow the use of such information for other purposes, in particular the application of the competition rules of the TFEU, without prejudice to the reuse of information made public.

Or. en

**Amendment 111**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

*Text proposed by the Commission*

(14) The **investigative** tool provided for in this Regulation is particularly useful for ensuring the application of Union law in

*Amendment*

(14) The **informative** tool provided for in this Regulation is particularly useful for ensuring the application of Union law in

the area of the internal market by the Commission. It is also useful, for any subsequent enforcement action by the Member States concerned that would require the use of the relevant information collected using this power and disclosed by the Commission to the Member States concerned. Moreover, where difficulties in the application of existing rules are experienced, including situations where undertakings are not able to comply with the legislation due to lack of legal clarity, this investigative tool could also be useful after the use of other tools and sources of relevant information have proven inadequate, for contributing to the conception or design of regulatory solutions. It is also appropriate not to allow the use of such information for other purposes, in particular the application of the competition rules of the TFEU, without prejudice to the reuse of information made public.

the area of the internal market by the Commission. It is also useful, for any subsequent enforcement action by the Member States concerned that would require the use of the relevant information collected using this power and disclosed by the Commission to the Member States concerned. Moreover, where difficulties in the application of existing rules are experienced, including situations where undertakings are not able to comply with the legislation due to lack of legal clarity, this investigative tool could also be useful after the use of other tools and sources of relevant information have proven inadequate, for contributing to the conception or design of regulatory solutions. It is also appropriate not to allow the use of such information for other purposes, in particular the application of the competition rules of the TFEU, without prejudice to the reuse of information made public.

Or. en

### *Justification*

*The SMIT shall be an informative tool.*

## **Amendment 112** **Dennis de Jong**

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

#### *Text proposed by the Commission*

(14) The *investigative* tool provided for in this Regulation is particularly useful for ensuring the application of Union law in the area of the internal market by the Commission. It is also useful, for any subsequent enforcement action by the Member States concerned that would require the use of the relevant information

#### *Amendment*

(14) The tool provided for in this Regulation is particularly useful for ensuring the application of Union law in the area of the internal market by the Commission. It is also useful, for any subsequent enforcement action by the Member States concerned that would require the use of the relevant information

collected using this power and disclosed by the Commission to the Member States concerned. Moreover, where difficulties in the application of existing rules are experienced, including situations where undertakings are not able to comply with the legislation due to lack of legal clarity, this *investigative* tool could also be useful after the use of other tools and sources of relevant information have proven inadequate, for contributing to the conception or design of regulatory solutions. It is also appropriate not to allow the use of such information for other purposes, in particular the application of the competition rules of the TFEU, without prejudice to the reuse of information made public.

collected using this power and disclosed by the Commission to the Member States concerned. Moreover, where difficulties in the application of existing rules are experienced, including situations where undertakings are not able to comply with the legislation due to lack of legal clarity, this tool could also be useful after the use of other tools and sources of relevant information have proven inadequate, for contributing to the conception or design of regulatory solutions. It is also appropriate not to allow the use of such information for other purposes, in particular the application of the competition rules of the TFEU, without prejudice to the reuse of information made public.

Or. en

### **Amendment 113**

**Richard Sulík, Edward Czesak, Daniel Dalton**

### **Proposal for a regulation**

#### **Recital 15**

*Text proposed by the Commission*

*Amendment*

***(15) The Commission should be able to enforce compliance with the requests for information it addresses to any undertaking or association of undertakings, as appropriate, by means of proportionate fines and periodic penalty payments imposed by way of decision. In setting the amounts of fines and periodic penalty payments, the Commission should take due account of the principle of proportionality (including the aspects of appropriateness), in particular as regards small and medium-sized undertakings. The rights of the parties requested to provide information should be safeguarded by giving them the opportunity to make known their views before any decision imposing fines or***

***deleted***

Or, en

## Dennis de Jong

*Text proposed by the Commission*

*Amendment*

(15) *The Commission should be able to enforce compliance with the requests for information it addresses to any undertaking or association of undertakings, as appropriate, by means of proportionate fines and periodic penalty payments imposed by way of decision. In setting the amounts of fines and periodic penalty payments, the Commission should take due account of the principle of proportionality (including the aspects of appropriateness), in particular as regards small and medium-sized undertakings. The rights of the parties requested to provide information should be safeguarded by giving them the opportunity to make known their views before any decision imposing fines or periodic penalty payments is taken.*

Or. en

## Jasenko Selimovic, Dita Charanzová

*Text proposed by the Commission*

*Amendment*

(15) *The Commission should be able to enforce compliance with the requests for information it addresses to any* *deleted*



*undertaking or association of undertakings, as appropriate, by means of proportionate fines and periodic penalty payments imposed by way of decision. In setting the amounts of fines and periodic penalty payments, the Commission should take due account of the principle of proportionality (including the aspects of appropriateness), in particular as regards small and medium-sized undertakings. The rights of the parties requested to provide information should be safeguarded by giving them the opportunity to make known their views before any decision imposing fines or periodic penalty payments is taken.*

Or. en

#### **Amendment 116**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

##### **Recital 15**

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

(15) *The Commission* should be able to enforce compliance with the requests for information it addresses to any undertaking or association of undertakings, as appropriate, by means of proportionate fines and periodic penalty payments imposed **by way of decision**. In setting the amounts of fines and periodic penalty payments, **the Commission** should take due account of the principle of proportionality (including the aspects of appropriateness), in particular as regards small and medium-sized undertakings. The rights of the parties requested to provide information should be safeguarded by giving them the opportunity to make known their views before any decision imposing fines or periodic penalty payments is taken.

###### *Amendment*

(15) **Member States** should be able to enforce compliance with requests for information **addressed by the Commission** to any undertaking or association of undertakings, as appropriate, by means of proportionate fines and periodic penalty payments imposed **in conformity with their national law**. In setting the amounts of fines and periodic penalty payments, **Member States** should take due account of the principle of proportionality (including the aspects of appropriateness), in particular as regards small and medium-sized undertakings **that should be excluded from such penalties**. The rights of the parties requested to provide information should be safeguarded by giving them the opportunity to make known their views before any decision imposing fines or

periodic penalty payments is taken.

Or. en

### *Justification*

*The SMIT should be a tool allowing the European Commission to request Member States to provide information and allowing, when appropriate, Member States to request necessary information to undertakings in accordance with their national law.*

## **Amendment 117**

**Igor Šoltes**

### **Proposal for a regulation**

#### **Recital 15**

#### *Text proposed by the Commission*

(15) The Commission should be able to enforce compliance with the requests for information it addresses to any undertaking or association of undertakings, as appropriate, by means of proportionate fines and periodic penalty payments imposed by way of decision. In setting the amounts of fines and periodic penalty payments, the Commission should take due account of the principle of proportionality (including the aspects of appropriateness), in particular as regards small and medium-sized undertakings. The rights of the parties requested to provide information should be safeguarded by giving them the opportunity to make known their views before any decision imposing fines or periodic penalty payments is taken.

#### *Amendment*

(15) ***To ensure the effectiveness of the tool***, the Commission should be able to enforce compliance with the requests for information it addresses to any undertaking or association of undertakings, as appropriate, by means of proportionate fines and periodic penalty payments imposed by way of decision. In setting the amounts of fines and periodic penalty payments, the Commission should take due account of the principle of proportionality (including the aspects of appropriateness), in particular as regards small and medium-sized undertakings ***which should only be subject to 'simple requests'***. The rights of the parties requested to provide information should be safeguarded by giving them the opportunity to make known their views before any decision imposing fines or periodic penalty payments is taken.

Or. en

## **Amendment 118**

**Jasenko Selimovic, Dita Charanzová**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

*Amendment*

**(16) Taking due account of the principle of proportionality (including the aspects of appropriateness), the Commission should be able to reduce the periodic penalty payments or waive them entirely, when addressees of requests provide the information requested, albeit after the expiry of the deadline. For reasons of legal certainty, it is also appropriate to provide for limitation periods for the imposition and enforcement of fines and periodic penalty payments.**

**deleted**

Or. en

**Amendment 119**  
**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**  
**Recital 16**

*Text proposed by the Commission*

*Amendment*

**(16) Taking due account of the principle of proportionality (including the aspects of appropriateness), the Commission should be able to reduce the periodic penalty payments or waive them entirely, when addressees of requests provide the information requested, albeit after the expiry of the deadline. For reasons of legal certainty, it is also appropriate to provide for limitation periods for the imposition and enforcement of fines and periodic penalty payments.**

**deleted**

Or. en

## **Amendment 120**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

### **Proposal for a regulation**

#### **Recital 16**

*Text proposed by the Commission*

*Amendment*

**(16) Taking due account of the principle of proportionality (including the aspects of appropriateness), the Commission should be able to reduce the periodic penalty payments or waive them entirely, when addressees of requests provide the information requested, albeit after the expiry of the deadline. For reasons of legal certainty, it is also appropriate to provide for limitation periods for the imposition and enforcement of fines and periodic penalty payments.** *deleted*

Or. en

#### *Justification*

*Member States are responsible for the correct application and enforcement of EU law, including behaviour of individuals and undertakings. Therefore the sanction mechanism foreseen in the Commission's proposal should be intended to Member States in accordance with the procedure for failure to comply. In turn, Member States should collect necessary information for answering the requests from the Commission in accordance with their national rules regarding investigation powers and sanctions.*

## **Amendment 121**

**Richard Sulík, Edward Czesak, Daniel Dalton**

### **Proposal for a regulation**

#### **Recital 17**

*Text proposed by the Commission*

*Amendment*

**(17) The Court of Justice should, in accordance with Article 261 TFEU, have unlimited jurisdiction in respect of decisions by which the Commission imposes fines or periodic penalty** *deleted*

*payments under this Regulation, which means that it may cancel, reduce or increase the fine or periodic penalty payment imposed by the Commission.*

Or. en

**Amendment 122**

**Jasenکو Selimovic, Dita Charanzová**

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

*Amendment*

(17) *The Court of Justice should, in accordance with Article 261 TFEU, have unlimited jurisdiction in respect of decisions by which the Commission imposes fines or periodic penalty payments under this Regulation, which means that it may cancel, reduce or increase the fine or periodic penalty payment imposed by the Commission.* *deleted*

Or. en

**Amendment 123**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

*Amendment*

(17) *The Court of Justice should, in accordance with Article 261 TFEU, have unlimited jurisdiction in respect of decisions by which the Commission imposes fines or periodic penalty payments under this Regulation, which means that it may cancel, reduce or increase the fine or periodic penalty payment imposed by the Commission.* *deleted*

*Justification*

*The SMIT should be a tool allowing the European Commission to request Member States to provide information and allowing, when appropriate, Member States to request necessary information to undertakings in accordance with their national law.*

**Amendment 124****Philippe Juvin****Proposal for a regulation****Recital 17***Text proposed by the Commission*

(17) The Court of Justice should, in accordance with Article 261 TFEU, have unlimited jurisdiction in respect of decisions by which the Commission imposes ***fin***~~es~~ ***or*** periodic penalty payments under this Regulation, which means that it may cancel, reduce or increase the ***fine or*** periodic penalty payment imposed by the Commission.

*Amendment*

(17) The Court of Justice should, in accordance with Article 261 TFEU, have unlimited jurisdiction in respect of decisions by which the Commission imposes periodic penalty payments under this Regulation, which means that it may cancel, reduce or increase the periodic penalty payment imposed by the Commission.

Or. fr

**Amendment 125****Philippe Juvin****Proposal for a regulation****Recital 18***Text proposed by the Commission*

(18) ***In the interests of*** transparency ***and legal certainty***, it is appropriate to give public information on Commission decisions. The Commission, when publishing and handling such information, should respect the rules on professional secrecy, including the protection of all confidential information, in accordance

*Amendment*

(18) ***Conversely, and in the interests of*** transparency, ***the European Commission is under an obligation to justify its request not to apply the provisions of this Regulation when its attention has been drawn to serious or repeated facts which jeopardise the proper functioning of the internal market.*** It is appropriate to give public information on Commission

with Article 339 TFEU.

decisions. The Commission, when publishing and handling such information, should respect the rules on professional secrecy, including the protection of all confidential information, in accordance with Article 339 TFEU.

Or. fr

## **Amendment 126**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Recital 19**

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

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their *business* secrets. To ensure that *business* secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. ***In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which***

##### *Amendment*

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their *trade* secrets. To ensure that *trade* secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State.

*the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.*

Or. en

#### **Amendment 127**

**Jasenکو Selimovic, Dita Charanzová**

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

##### **Recital 19**

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

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate

###### *Amendment*

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate



non-confidential version of the information that could be disclosed to the relevant Member State. *In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.*

non-confidential version of the information that could be disclosed to the relevant Member State.

Or. en

## **Amendment 128**

**Maria Grapini**

### **Proposal for a regulation**

#### **Recital 19**

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

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of **undertaking** submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose

##### *Amendment*

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of **undertakings voluntarily** submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to

confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. *In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure.* The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.

disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.

Or. ro

## **Amendment 129**

**Richard Sulík, Edward Czesak, Daniel Dalton**

### **Proposal for a regulation**

#### **Recital 19**

*Text proposed by the Commission*

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the

*Amendment*

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the

Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. *In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.*

Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. *Even if the Commission considers that a confidentiality claim is ill-founded, it should not decide that the relevant information is to be disclosed.*

Or. en

## Amendment 130

Virginie Rozière, Lucy Anderson, Marc Tarabella

### Proposal for a regulation

#### Recital 19

*Text proposed by the Commission*

(19) The disclosure of information about an undertaking's business activity could

*Amendment*

(19) The disclosure of information about an undertaking's business activity could

result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential **and why it is confidential**. The Commission should not be able to disclose confidential information provided by such respondents **to the Member State** concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the **Commission** with a separate non-confidential version of the information that could be disclosed **to the relevant Member State**. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which **the Commission** can decide the extent to which such information can be disclosed. **Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.**

result in a serious harm to the same undertaking. Therefore, the Commission **and the Member States** should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the Commission **and the Member States** are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential. The Commission **and Member States** should not be able to disclose confidential information provided by such respondents concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the **Member States** with a separate non-confidential version of the information that could be disclosed. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which **Member States** can decide the extent to which such information can be disclosed **in accordance with their national laws**.

Or. en

#### *Justification*

*Member States should be responsible for collecting information following a request issued by the Commission via a decision.*

## Amendment 131

Philippe Juvin

### Proposal for a regulation

#### Recital 19

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

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that ***business secrets and other*** confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of ***undertaking*** submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent

##### *Amendment*

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of ***undertakings*** submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the

should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.

opportunity to make known its views before any decision to reject the confidentiality claim is taken. ***As regards the protection of business secrets, undertakings and associations of undertakings may refuse to provide the Commission with strictly confidential information in order to protect their legitimate interests. In such cases, the burden of proof rests with the Commission, which must show that the information requested does not relate to business secrets.***

Or. fr

## **Amendment 132**

**Edward Czesak**

### **Proposal for a regulation**

#### **Recital 19**

#### *Text proposed by the Commission*

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate

#### *Amendment*

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. ***It is essential that the undertakings or association of undertakings concerned by the request, if they estimate that it could jeopardise their substantial economic interests, have the right to appeal against the request by the Commission through the national courts, with suspensive effect concerning Commission's procedure.*** To ensure that business secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The

non-confidential version of the information that could be disclosed to the relevant Member State. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.

Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.

Or. en

### **Amendment 133** **Igor Šoltes**

#### **Proposal for a regulation** **Recital 19**

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

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, ***in particular the protection of their business secrets***. To ensure that ***business secrets and other***

##### *Amendment*

(19) The disclosure of information about an undertaking's business activity could result in a serious harm to the same undertaking, ***i.e. its disclosure will be significantly detrimental to its economic interests***. Therefore, the Commission should take due account of the legitimate interests of undertakings to ensure that

confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.

confidential information provided to the Commission are treated in compliance with Article 339 TFEU. ***For this purpose*** any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.

Or. en

## **Amendment 134**

**Jiří Pospíšil**

### **Proposal for a regulation**

#### **Recital 19**

*Text proposed by the Commission*

(19) The disclosure of information about

*Amendment*

(19) The disclosure of information about



an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views before any decision to reject the confidentiality claim is taken.

an undertaking's business activity could result in a serious harm to the same undertaking. Therefore, the Commission should take due account of the legitimate interests of undertakings, in particular the protection of their business secrets. To ensure that business secrets and other confidential information provided to the Commission are treated in compliance with Article 339 TFEU, any undertaking or association of undertaking submitting information should clearly identify which information it considers to be confidential and why it is confidential. The Commission should not be able to disclose confidential information provided by such respondents to the Member State concerned by the request unless it has previously obtained their agreement to disclose that information to that effect. The respondent concerned should be required to provide the Commission with a separate non-confidential version of the information that could be disclosed to the relevant Member State. In cases where information marked as confidential does not seem to be covered by obligations of professional secrecy, it is appropriate to have a mechanism in place according to which the Commission can decide the extent to which such information can be disclosed. Any such decision to reject a claim that a piece of information is confidential should indicate a period at the end of which it may be disclosed, so that the respondent can make use of any judicial protection available to it, including any interim measure. The rights of the respondent should be safeguarded by giving it the opportunity to make known its views *or, if necessary, to defend itself in court* before any decision to reject the confidentiality claim is taken.

Or. cs

**Amendment 135**  
**Edward Czesak**

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

*Text proposed by the Commission*

*Amendment*

***(19a) According to the subsidiarity rule, it is essential to include national courts in the procedure. Therefore, the undertakings or associations of undertakings shall have the right to appeal against the request by the Commission before the national courts as well as against the Commission's decision on confidentiality of the information to be provided, as provided for in Article 7. Submitting an appeal against the Commission request or decision to the court shall have a suspensive effect on the Commission's proceeding.***

Or. en

**Amendment 136**  
**Jasenko Selimovic, Dita Charanzová**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

*Amendment*

(21) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect for the right to respect for private and family life, the right to protection of personal data, the right to good administration, in particular the access to files, while respecting business secrecy, the right to an effective remedy and to a fair trial, the right of defence and the ***principles*** of legality ***and proportionality of penalties***.

(21) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect for the right to respect for private and family life, the right to protection of personal data, the right to good administration, in particular the access to files, while respecting business secrecy, the right to an effective remedy and to a fair trial, the right of defence and the ***principle*** of legality.

**Amendment 137****Jasenکو Selimovic, Richard Sulík, Edward Czesak, Daniel Dalton****Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect for the right to respect for private and family life, the right to protection of personal data, the right to good administration, in particular the access to files, while respecting business secrecy, the right to an effective remedy and to a fair trial, the right of defence and the *principles* of legality *and proportionality of penalties*.

*Amendment*

(21) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. In particular, this Regulation seeks to ensure full respect for the right to respect for private and family life, the right to protection of personal data, the right to good administration, in particular the access to files, while respecting business secrecy, the right to an effective remedy and to a fair trial, the right of defence and the *principle* of legality.

Or. en

**Amendment 138****Richard Sulík, Edward Czesak, Daniel Dalton****Proposal for a regulation****Recital 22***Text proposed by the Commission*

(22) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data, *in particular Directive 95/46/EC<sup>30</sup> . With regard to the processing of personal data by the Commission and within the framework of this Regulation, it shall comply with the provisions of Regulation (EC) No 45/2001*

*Amendment*

(22) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data.

*of the European Parliament and of the Council<sup>31</sup>.*

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<sup>30</sup> *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, (OJ L 281, 23.11.1995).*

<sup>31</sup> *Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, (OJ L 8, 12.1.2001, p. 1).*

Or. en

## **Amendment 139** **Igor Šoltes**

### **Proposal for a regulation** **Recital 22**

#### *Text proposed by the Commission*

(22) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data, in particular *Directive 95/46/EC<sup>30</sup>*. With regard to the processing of personal data by the Commission and within the framework of this Regulation, it shall comply with the provisions of Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>31</sup>.

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<sup>30</sup> *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of*

#### *Amendment*

(22) Where the measures provided for in this Regulation entail the processing of personal data, they should be carried out in accordance with Union law on the protection of personal data, in particular *Regulation (EU) 2016/679*. With regard to the processing of personal data by the Commission and within the framework of this Regulation, it shall comply with the provisions of Regulation (EC) No 45/2001 of the European Parliament and of the Council<sup>31</sup>.

*individuals with regard to the processing of personal data and on the free movement of such data, (OJ L 281, 23.11.1995).*

<sup>31</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, (OJ L 8, 12.1.2001, p. 1).

<sup>31</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, (OJ L 8, 12.1.2001, p. 1).

Or. en

#### **Amendment 140**

**Jasenko Selimovic, Dita Charanzová, Richard Sulík**

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

##### **Recital 23**

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

(23) Since the objectives of this Regulation, namely facilitating the Commission's *access to market* information *necessary for carrying out its tasks in order to achieve a smooth-functioning* of the internal market cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. 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 those objectives.

###### *Amendment*

(23) Since the objectives of this Regulation, namely facilitating the *exercise of Commission's responsibility to submit to the Court of Justice all the relevant factual information to prove the existence of an infringement with the aim of establishing and ensuring the functioning* of the internal market *in the framework of infringement procedures against Member States*, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. 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 those objectives.

Or. en

## Amendment 141

Virginie Rozière, Lucy Anderson, Marc Tarabella

### Proposal for a regulation

#### Recital 23

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

(23) Since the objectives of this Regulation, namely facilitating the **Commission's** access to market information necessary for carrying out its tasks in order to achieve a smooth-functioning of the internal market cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. 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 those objectives.

##### *Amendment*

(23) Since the objectives of this Regulation, namely facilitating the access **of the Commission and the Member States** to market information necessary for carrying out its tasks in order to achieve a smooth-functioning of the internal market cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. 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 those objectives.

Or. en

##### *Justification*

*Internal Market is a shared competence between the EU and Member States.*

## Amendment 142

Virginie Rozière, Lucy Anderson, Marc Tarabella

### Proposal for a regulation

#### Recital 24

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

(24) This Regulation **should not affect** the investigative powers of the Member States. This Regulation does not aim to amend, restrict or annul the investigative powers that the Commission or bodies,

##### *Amendment*

(24) This Regulation **should be based on** the investigative powers of the Member States. This Regulation does not aim to amend, restrict or annul the investigative powers that the Commission or bodies,

offices or agencies of the Union have already received pursuant to other Union legal instruments. In particular, this Regulation should not affect the investigative powers of the Commission related to the application of the competition rules necessary for the functioning of the internal market.

offices or agencies of the Union have already received pursuant to other Union legal instruments. In particular, this Regulation should not affect the investigative powers of the Commission related to the application of the competition rules necessary for the functioning of the internal market.

Or. en

### *Justification*

*This amendment is needed to respect the current institutional framework of the EU.*

## **Amendment 143**

**Dennis de Jong**

### **Proposal for a regulation**

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

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

(a) the conditions under which the Commission may **request** undertakings and associations of undertakings to provide information required for the performance of tasks entrusted to the Commission in relation to the areas referred to in Article 2;

##### *Amendment*

(a) the conditions under which the Commission may **publish a call for information directed at** undertakings and associations of undertakings to provide information required for the performance of tasks entrusted to the Commission in relation to the areas referred to in Article 2;

Or. en

## **Amendment 144**

**Nicola Danti, Sergio Gutiérrez Prieto**

### **Proposal for a regulation**

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

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

(a) the conditions under which the Commission may request undertakings and associations of undertakings to provide

##### *Amendment*

(a) the conditions under which the Commission may request undertakings and associations of undertakings to provide

information required for the performance of tasks entrusted to the Commission in relation to the **areas** referred to in Article 2;

information required for the performance of tasks entrusted to the Commission in relation to the **internal market, as** referred to in Article 26 (2) of the TFEU;

Or. en

### *Justification*

*Following the European Parliaments legal services' opinion, the scope of application of this Regulation should be strictly limited to internal market issues. The obligation to provide information as introduced in the European Commissions' proposal goes beyond the aim of the Regulation, and is thus not compatible with Articles 43, 91, 100, 192, 194 TFEU as well as the principle of conferral next to the principles of subsidiarity and proportionality.*

### **Amendment 145**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

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

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

(a) the conditions under which the Commission may request undertakings and associations of undertakings to provide information required for the performance of tasks entrusted to the Commission in relation to the areas referred to in Article 2;

##### *Amendment*

(a) the conditions under which the Commission may request **Member States to require** undertakings and associations of undertakings to provide information required for the performance of tasks entrusted to the Commission in relation to the areas referred to in Article 2;

Or. en

### **Amendment 146**

**Evelyne Gebhardt**

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

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

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

(a) the conditions under which the Commission may request undertakings and associations of undertakings to provide

##### *Amendment*

(a) the conditions under which the Commission may request undertakings and associations of undertakings to provide



information required for the *performance* of *tasks entrusted to the Commission in relation to the areas referred to in Article 2*;

information required for the *enforcement* of *Union law in the field of the internal market and consumer protection*,

Or. de

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

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

*Text proposed by the Commission*

(b) the procedure to be followed *for requesting such information*.

*Amendment*

(b) the procedure to be followed *by the Commission for publishing such a call*.

Or. en

**Amendment 148**  
**Dennis de Jong**

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

*Text proposed by the Commission*

*Amendment*

*(ba) the procedure to be followed by undertakings and associations of undertakings for answering to such a call for information.*

Or. en

**Amendment 149**  
**Philippe Juvin**

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

*Text proposed by the Commission*

*Amendment*

***1a. This Regulation shall be applied in such a way as to maintain the proportionality of the administrative and financial burdens imposed on undertakings or associations of undertakings.***

Or. fr

**Amendment 150**

**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**

**Article 1 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. This Regulation shall apply without prejudice to other provisions allowing the Commission or bodies, offices or agencies of the Union to gather or request information.***

***deleted***

Or. pl

**Amendment 151**

**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**

**Article 2 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***This Regulation shall apply in the following areas:***

***deleted***

***(1) the internal market, as referred to in Article 26(2) of the Treaty;***

***(2) agriculture and fisheries, other than the conservation of marine biological resources;***

- (3) *transport;*
- (4) *environment;*
- (5) *energy.*

Or. pl

#### **Amendment 152**

**Jasenko Selimovic, Dita Charanzová, Richard Sulík**

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

#### **Article 2 – paragraph 1 – introductory part**

*Text proposed by the Commission*

This Regulation shall apply *in* the following *areas*:

*Amendment*

This Regulation shall apply *to the internal market as referred to in Article 26(2) of the TFEU as well as the internal market-related aspects of* the following sectors:

Or. en

#### **Amendment 153**

**Jiří Pospíšil**

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

#### **Article 2 – paragraph 1 – introductory part**

*Text proposed by the Commission*

This Regulation shall apply in the following *areas*:

*Amendment*

This Regulation shall apply in the *internal market, as referred to in Article 26(2) of the Treaty*;

Or. cs

#### **Amendment 154**

**Jasenko Selimovic, Dita Charanzová, Richard Sulík**

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

#### **Article 2 – paragraph 1 – point 1**

*Text proposed by the Commission*

*Amendment*

**(1)     *the internal market, as referred to  
in Article 26(2) of the Treaty;***     *deleted*

Or. en

#### **Amendment 155**

**Eva Maydell**

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

#### **Article 2 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

**(2)     *agriculture and fisheries, other  
than the conservation of marine  
biological resources;***     *deleted*

Or. en

#### **Amendment 156**

**Nicola Danti, Sergio Gutiérrez Prieto**

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

#### **Article 2 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

**(2)     *agriculture and fisheries, other  
than the conservation of marine  
biological resources;***     *deleted*

Or. en

#### **Amendment 157**

**Virginie Rozière, Lucy Anderson, Nicola Danti, Marc Tarabella**

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

#### **Article 2 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

(2) *agriculture and fisheries, other than the conservation of marine biological resources;*

*deleted*

Or. en

#### **Amendment 158**

**Jiří Pospíšil**

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

#### **Article 2 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

(2) *agriculture and fisheries, other than the conservation of marine biological resources;*

*deleted*

Or. cs

#### **Amendment 159**

**Jasenko Selimovic, Dita Charanzová**

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

#### **Article 2 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

(2) agriculture and fisheries, *other than* the conservation of marine biological resources;

(2) agriculture and fisheries, *with the exception of* the conservation of marine biological resources;

Or. en

#### **Amendment 160**

**Richard Sulík, Edward Czesak, Daniel Dalton**

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

#### **Article 2 – paragraph 1 – point 2**

*Text proposed by the Commission*

*Amendment*

(2) agriculture and fisheries, ***other than*** the conservation of marine biological resources;

(2) agriculture and fisheries, ***excluding*** the conservation of marine biological resources;

Or. en

#### **Amendment 161**

**Jiří Pospíšil**

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

#### **Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

(3) ***transport;***

***deleted***

Or. cs

#### **Amendment 162**

**Virginie Rozière, Lucy Anderson, Nicola Danti, Marc Tarabella**

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

#### **Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

(3) ***transport;***

***deleted***

Or. en

#### **Amendment 163**

**Eva Maydell**

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

#### **Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

(3) ***transport;***

***deleted***

**Amendment 164**

**Nicola Danti, Sergio Gutiérrez Prieto**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

*Amendment*

(3) *transport;* *deleted*

Or. en

**Amendment 165**

**Eva Maydell**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

(4) *environment;* *deleted*

Or. en

**Amendment 166**

**Nicola Danti, Sergio Gutiérrez Prieto**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

(4) *environment;* *deleted*

Or. en

**Amendment 167**

**Virginie Rozière, Lucy Anderson, Nicola Danti, Marc Tarabella**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

(4) *environment;* *deleted*

Or. en

**Amendment 168**  
**Jiří Pospíšil**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

(4) *environment;* *deleted*

Or. cs

**Amendment 169**  
**Eva Maydell**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

(5) *energy.* *deleted*

Or. en

**Amendment 170**  
**Nicola Danti, Sergio Gutiérrez Prieto**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

(5) *energy.* *deleted*



**Amendment 171**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

(5) *energy.*

*deleted*

Or. cs

**Amendment 172**

**Virginie Rozière, Lucy Anderson, Nicola Danti, Marc Tarabella**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

(5) *energy.*

*deleted*

Or. en

**Amendment 173**

**Nicola Danti, Sergio Gutiérrez Prieto, Sergio Gaetano Cofferati**

**Proposal for a regulation**

**Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***This Regulation shall not apply to small and medium-sized enterprises, as defined in Article 3 of Directive 2013/34/EU.***

Or. en

**Amendment 174**  
**Edward Czesak**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3a) ‘association of undertakings’ means a group of companies as defined in Article 2(13) of Regulation (EU) 2015/848.**

Or. en

**Amendment 175**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3a) ‘large undertaking’ means an undertaking as defined in Article 3(4) of Directive 2013/34/EU.**

Or. fr

**Amendment 176**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 3 – paragraph 1 – point 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**(3b) ‘large group’ means a group as defined in Article 3(7) of Directive 2013/34/EU.**

Or. fr

**Amendment 177**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

Power to request information from  
undertakings and associations of  
undertakings

*Amendment*

Power to request information from  
***Member States regarding*** undertakings  
and associations of undertakings

Or. en

**Amendment 178**  
**Jiří Pospíšil**

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

Power to request information from  
undertakings and associations of  
undertakings

*Amendment*

Power to request information from  
undertakings and associations of  
undertakings ***by way of a decision***

Or. cs

**Amendment 179**  
**Anna Maria Corazza Bildt**

**Proposal for a regulation**  
**Article 4 – title**

*Text proposed by the Commission*

***Power to request*** information from  
undertakings and associations of  
undertakings

*Amendment*

***Requesting*** information from undertakings  
and associations of undertakings

Or. en

## Amendment 180

Dennis de Jong

### Proposal for a regulation

#### Article 4 – title

*Text proposed by the Commission*

***Power to request*** information from undertakings and associations of undertakings

*Amendment*

***Call for*** information from undertakings and associations of undertakings

Or. en

## Amendment 181

Maria Grapini

### Proposal for a regulation

#### Article 4 – paragraph 1

*Text proposed by the Commission*

Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

*Amendment*

Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective ***referred to in Article 2 of this Regulation***, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty; ***information will be provided by undertakings or associations of undertakings only if they agree to the voluntary submission of information.***

Or. ro

## Amendment 182

Robert Jarosław Iwaszkiewicz

### Proposal for a regulation

#### Article 4 – paragraph 1

*Text proposed by the Commission*

**Where** a serious difficulty with the application of Union law **risks undermining the attainment of an important Union policy objective**, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

*Amendment*

***In the event of*** a serious difficulty with the application of Union law, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty ***only where Member States are unable to provide such information, and solely provided the information is not covered by trade secret and is not important information about the undertaking's operations.***

Or. pl

**Amendment 183**

**Jasenکو Selimovic, Dita Charanzová, Richard Sulík**

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

*Text proposed by the Commission*

**Where a serious difficulty** with the application of Union law **risks undermining the attainment of an important Union policy objective**, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, **for the purpose of addressing the above-mentioned difficulty**.

*Amendment*

***In order to facilitate the exercise of the Commission's responsibility to submit to the Court of Justice all the relevant factual information to prove the existence of an infringement*** with the aim of ***establishing and ensuring the functioning of the internal market in the framework of infringement procedures against Member States***, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II.

Or. en

**Amendment 184  
Evelyne Gebhardt**

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

*Text proposed by the Commission*

Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

*Amendment*

Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.  
***Consumer protection and compliance with labour and social standards fall into this category.***

Or. de

**Amendment 185**  
**Igor Šoltes**

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

*Text proposed by the Commission*

Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

*Amendment*

Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective ***as defined in Article 3(3) of the TEU, or acting on the basis of information supplied by third-parties***, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

Or. en

**Amendment 186**  
**Anna Maria Corazza Bildt**

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

*Text proposed by the Commission*

***Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.***

*Amendment*

The Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, ***as part of an infringement procedure pursuant to Article 258 TFEU.***

Or. en

**Amendment 187**  
**Edward Czesak**

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

*Text proposed by the Commission*

***Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.***

*Amendment*

The Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, ***where justified on the basis of the following:***

- (a) public security requirements;***
- (b) fighting economic crimes; or***
- (c) combating unfair commercial practices across the Member States as laid down in the Directive 2005/29/EC.***

Or. en

*Justification*

*The current definition of "an important Union policy objective" is highly imprecise and poses*

*a backdoor for abuse of powers by the EC. I believe that the main added value of the Regulation, if any, could be the enforcement of the already existing law-enforcement agencies as well as supervisory authorities, instead of empowering the Commission as a new independent, European "court".*

## **Amendment 188**

**Jiří Pospíšil**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1**

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

Where a serious difficulty with the application of Union law risks undermining the attainment of *an* important **Union policy** objective, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

##### *Amendment*

Where a serious difficulty with the application of Union law risks undermining the attainment of *the* important objective *of removing the barriers within the scope specified in Article 2 of this Regulation*, the Commission may request information from undertakings or associations of undertakings, *by way of a decision*, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

Or. cs

## **Amendment 189**

**Philippe Juvin**

### **Proposal for a regulation**

#### **Article 4 – paragraph 1**

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

Where a serious difficulty with the application of Union law risks undermining the *attainment of an important Union policy objective*, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

##### *Amendment*

Where a serious difficulty with the application of Union law risks undermining the *proper functioning of the internal market as referred to in Article 26(2) TFEU*, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned *serious* difficulty.



**Amendment 190**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective, the Commission may request information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

*Amendment*

Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective, the Commission may request information from ***Member States relating to*** undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing the above-mentioned difficulty.

Or. en

**Amendment 191**

**Dennis de Jong**

**Proposal for a regulation**

**Article 4 – paragraph 1**

*Text proposed by the Commission*

***Where a serious difficulty with the application of Union law risks undermining the attainment of an important Union policy objective,*** the Commission may ***request*** information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing ***the above-mentioned difficulty***.

*Amendment*

The Commission may ***publish an open call for*** information from undertakings or associations of undertakings, as provided for in Chapter II, for the purpose of addressing ***serious problems with the functioning of the internal market by means of an infringement procedure pursuant to Article 258 TFEU***.

Or. en

## Amendment 192

Philippe Juvin

### Proposal for a regulation

#### Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Where contracting authorities as defined in Directive 2014/24/EU or Members of a national Parliamentary Assembly or the European Parliament draw the Commission's attention to facts which seriously or repeatedly jeopardise the proper functioning of the internal market as referred to in Article 26(2) TFEU, it may request information in relation to the internal market and related fields.***

Or. fr

## Amendment 193

Philippe Juvin

### Proposal for a regulation

#### Article 5 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. The Commission shall only use the power to request information from undertakings and associations of undertakings provided for in Article 4 ***where the information available to the Commission***, required for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

1. The Commission shall only use the power to request information from undertakings and associations of undertakings provided for in Article 4 ***as a measure of last resort, after having consulted the channels to which it already has access to obtain information, and after having established that the information at its disposal***, required for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

Or. fr

## Amendment 194

Virginie Rozière, Lucy Anderson, Marc Tarabella

### Proposal for a regulation

#### Article 5 – paragraph 1 – introductory part

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

1. The Commission shall only use the power to request information from undertakings and associations of undertakings provided for in Article 4 where the information available to the Commission, required for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

##### *Amendment*

1. The Commission shall only use the power to request information from ***Member States relating to*** undertakings and associations of undertakings provided for in Article 4 ***when an infringement procedure under Article 258 TFEU has been launched and*** where the information available to the Commission, required for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

Or. en

## Amendment 195

Jiří Pospíšil

### Proposal for a regulation

#### Article 5 – paragraph 1 – introductory part

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

1. The Commission ***shall*** only use the power to request information from undertakings and associations of undertakings provided for in Article 4 where the information available to the Commission, required for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

##### *Amendment*

1. The Commission ***may*** only use the power to request information from undertakings and associations of undertakings ***by way of a decision on the basis of the powers*** provided for in Article 4 where the information available to the Commission, required for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

Or. cs

**Amendment 196**  
**Anna Maria Corazza Bildt**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Commission shall only ***use the power to*** request information from undertakings and associations of undertakings provided for in Article 4 where the information ***available to*** the Commission, ***required*** for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

*Amendment*

1. The Commission shall only request information from undertakings and associations of undertakings ***as*** provided for in Article 4 ***as a measure of last resort***, where the information ***required by*** the Commission for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

Or. en

**Amendment 197**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Commission shall only ***use the power to request*** information from undertakings and associations of undertakings provided for in Article 4 where the information available to the Commission, required for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

*Amendment*

1. The Commission shall only ***publish a call for*** information from undertakings and associations of undertakings provided for in Article 4 where the information available to the Commission, required for the purpose referred to in Article 4, is not sufficient or adequate and cannot be obtained in a timely manner due to the following reasons:

Or. en

**Amendment 198**  
**Igor Šoltes**

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

*Text proposed by the Commission*

*Amendment*

*(aa) the information has not been  
provided by the existing mechanisms at  
the disposal of the Commission*

Or. en

**Amendment 199**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the information has not been  
provided by a Member State upon request  
by the Commission; or*

*deleted*

Or. en

**Amendment 200**  
**Jiří Pospíšil**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the information has not been  
provided by a Member State upon request  
by the Commission; or*

*(b) the information has not **first** been  
provided by the Member State upon  
request by the Commission; or*

Or. cs

**Amendment 201**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the information has not been provided by a Member State upon request by the Commission; ***or***

*Amendment*

(b) the information has not been provided by a Member State upon request by the Commission; ***and***

Or. en

**Amendment 202**  
**Jiří Pospíšil**

**Proposal for a regulation**  
**Article 5 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) the information has not been provided by ***a legal or a natural person.***

*Amendment*

(c) the information has not ***first*** been provided by ***an undertaking or associations of undertakings upon request by the Commission;***

Or. cs

**Amendment 203**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

*Text proposed by the Commission*

***2. Prior to requesting information in accordance with Article 6, the Commission shall adopt a decision stating its intention to use the power to request information from undertakings or associations of undertakings under this Regulation.***

***This decision shall include the following:***

***(a) a summary description of the alleged serious difficulty of a cross-border***

*Amendment*

***deleted***

*dimension with the application of Union law and why such difficulty risks undermining the attainment of an important Union policy objective;*

*(b) a summary description of the information to be requested;*

*(c) a reasoned explanation of why such information is necessary for the purposes referred to in Article 4;*

*(d) a reasoned explanation of why other means to obtain such information have proven insufficient or inadequate or cannot be obtained in a timely manner to date;*

*(e) the criteria for selecting the addressees of the requests for information.*

*The decision shall be addressed to the Member State or Member States concerned. The Commission shall notify the Member State or Member States concerned without delay.*

Or. en

#### *Justification*

*Moved to Article 6*

#### **Amendment 204** **Dennis de Jong**

#### **Proposal for a regulation** **Article 5 – paragraph 2 – subparagraph 1**

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

Prior to **requesting** information in accordance with Article **6**, the Commission shall adopt a decision stating its intention to **use the power to request information from undertakings or associations of undertakings under this Regulation**.

##### *Amendment*

Prior to **publishing the call for** information in accordance with Article **4**, the Commission shall adopt a decision stating its intention to **do so**.

**Amendment 205**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 5 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

Prior to requesting information in accordance with Article 6, the Commission shall adopt a decision stating its intention to use the power to request information from undertakings or associations of undertakings under this Regulation.

*Amendment*

Prior to requesting information in accordance with Article 6, the Commission shall ***first*** adopt a decision stating its intention to use the power to request information from undertakings or associations of undertakings under this Regulation.

Or. cs

**Amendment 206**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 5 – paragraph 2 – subparagraph 2 – point a**

*Text proposed by the Commission*

(a) a summary description of the alleged serious difficulty of a cross-border dimension with the application of Union law and why such difficulty risks undermining the attainment of an important ***Union policy*** objective;

*Amendment*

(a) a summary description of the alleged serious difficulty of a cross-border dimension with the application of Union law and why such difficulty risks undermining the attainment of an important objective ***of removing the barriers within the scope specified in Article 2 of this Regulation;***

Or. cs

**Amendment 207**

**Evelyne Gebhardt**



## Proposal for a regulation

### Article 5 – paragraph 2 – subparagraph 2 – point a

*Text proposed by the Commission*

(a) a summary description of the alleged serious difficulty of a cross-border dimension with the application of Union law and why such difficulty risks undermining the attainment of an important Union policy objective;

*Amendment*

(a) a summary description of the alleged serious difficulty of a cross-border dimension with the application of Union law ***in the field of the internal market and consumer protection*** and why such difficulty risks undermining the attainment of an important Union policy objective;

Or. de

## Amendment 208

Philippe Juvin

## Proposal for a regulation

### Article 5 – paragraph 2 – subparagraph 2 – point a

*Text proposed by the Commission*

(a) a ***summary*** description of the alleged serious difficulty of a cross-border dimension with the application of Union law and why such difficulty risks ***undermining the attainment of an important Union policy objective***;

*Amendment*

(a) a ***precise*** description of the alleged serious difficulty of a cross-border dimension with the application of Union law and why such ***serious*** difficulty risks ***undermining the functioning of the internal market as referred to in Article 26(2) TFEU***;

Or. fr

## Amendment 209

Philippe Juvin

## Proposal for a regulation

### Article 5 – paragraph 2 – subparagraph 2 – point b

*Text proposed by the Commission*

(b) a ***summary*** description of the information to be requested;

*Amendment*

(b) a ***precise*** description of the information to be requested;

Or. fr

## Amendment 210

Philippe Juvin

### Proposal for a regulation

#### Article 5 – paragraph 2 – subparagraph 2 – point c

*Text proposed by the Commission*

(c) a reasoned explanation of why such information is necessary for the purposes referred to in Article 4;

*Amendment*

(c) a ***duly justified and*** reasoned explanation of why such information is necessary for the purposes referred to in Article 4;

Or. fr

## Amendment 211

Philippe Juvin

### Proposal for a regulation

#### Article 5 – paragraph 2 – subparagraph 2 – point d

*Text proposed by the Commission*

(d) a reasoned explanation of why other means to obtain such information have proven insufficient or inadequate or cannot be obtained in a timely manner to date;

*Amendment*

(d) a ***duly justified and*** reasoned explanation of why other means to obtain such information have proven insufficient or inadequate or cannot be obtained in a timely manner to date. ***The explanation shall contain a list of institutions, organisations, instruments and sources of information consulted to which the Commission already has access;***

Or. fr

## Amendment 212

Jasenko Selimovic, Dita Charanzová, Richard Sulík

### Proposal for a regulation

#### Article 5 – paragraph 2 – subparagraph 2 – point d

*Text proposed by the Commission*

*Amendment*

(d) a reasoned explanation of why ***other*** means ***to obtain such information*** have proven insufficient or inadequate or cannot be obtained in a timely manner to date;

(d) ***a list of the other means that have previously been consulted to obtain such information as well as*** a reasoned explanation of why ***those*** means have proven insufficient or inadequate or cannot be obtained in a timely manner to date;

Or. en

**Amendment 213**

**Dennis de Jong**

**Proposal for a regulation**

**Article 5 – paragraph 2 – subparagraph 2 – point e**

*Text proposed by the Commission*

*Amendment*

(e) ***the criteria for selecting the addressees of the requests for information.***

***deleted***

Or. en

**Amendment 214**

**Igor Šoltes**

**Proposal for a regulation**

**Article 5 – paragraph 2 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***When drafting the summary descriptions, reasoned explanations and criteria, the Commission shall take all appropriate measures to protect the identities of any individuals who have supplied information.***

Or. en

**Amendment 215**  
**Evelyne Gebhardt**

**Proposal for a regulation**  
**Article 5 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

The decision shall be addressed to the Member State or Member States concerned. The Commission shall notify the Member State or Member States concerned without delay.

*Amendment*

The decision shall be addressed to the Member State or Member States concerned. The Commission shall notify the Member State or Member States concerned without delay. ***Member States shall have no right of veto in order to deprive the Commission of its power to request information under this Regulation.***

Or. de

**Amendment 216**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

**3. *The undertakings or association of undertakings concerned by the request as referred to in Article 4 are obliged to provide only information that is at their disposal.***

***The Commission shall take due account of the principle of proportionality, in particular with regard to small and medium-sized undertakings.***

*Amendment*

***deleted***

Or. en

*Justification*

*Moved to Article 6.2a for the first part and deleted due to new Article 6.1a*

**Amendment 217**

**Dennis de Jong**

**Proposal for a regulation**

**Article 5 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*The undertakings or association of undertakings concerned by the request as referred to in Article 4 are obliged to provide only information that is at their disposal.*

*deleted*

Or. en

**Amendment 218**

**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**

**Article 5 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The undertakings or association of undertakings concerned by the request as referred to in Article 4 are obliged to provide only information that is at their disposal.

The undertakings or association of undertakings concerned by the request as referred to in Article 4 are obliged to provide only information that is at their disposal *if that information is not covered by trade secret and is not vital to the firm's development and operations under competitive market conditions.*

Or. pl

**Amendment 219**

**Philippe Juvin**

**Proposal for a regulation**

**Article 5 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The undertakings or association of undertakings concerned by the request as

The undertakings or association of undertakings concerned by the request as

referred to in Article 4 are obliged to provide only information that is at their disposal.

referred to in Article 4 are obliged to provide only information that is at their disposal, ***with the exception of information containing business secrets.***

Or. fr

#### **Amendment 220**

**Anna Maria Corazza Bildt**

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

#### **Article 5 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The undertakings or association of undertakings concerned by the request as referred to in Article 4 are obliged to provide only information that is at their disposal.

***deleted***

Or. en

#### **Amendment 221**

**Jiří Pospíšil**

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

#### **Article 5 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The undertakings or association of undertakings concerned by the request as referred to in Article 4 are obliged to provide only information that is at their disposal.

The undertakings or association of undertakings concerned by the request ***for information*** as referred to in Article 4 ***of this regulation*** are obliged to provide only information that is at their disposal.

Or. cs

#### **Amendment 222**

**Jasenko Selimovic, Dita Charanzová, Richard Sulík**

**Proposal for a regulation**  
**Article 5 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The undertakings or association of undertakings concerned by the request as referred to in Article 4 ***are obliged*** to provide ***only*** information that is at their disposal.

*Amendment*

The undertakings or association of undertakings concerned by the request as referred to in Article 4 ***shall only be required*** to provide information that is at their disposal.

Or. en

**Amendment 223**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 5 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The undertakings or association of undertakings concerned by the request as referred to in Article 4 ***are obliged to*** provide ***only*** information ***that is at their disposal***.

*Amendment*

The undertakings or association of undertakings concerned by the request as referred to in Article 4 ***may*** provide information ***but cannot be obliged to do so***.

Or. ro

**Amendment 224**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 5 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

***The Commission shall take due account of the principle of proportionality, in particular with regard to small and medium-sized undertakings.***

*Amendment*

***deleted***

Or. en

**Amendment 225**

**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**

**Article 5 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*The Commission shall take due account of the principle of proportionality, in particular with regard to small and medium-sized undertakings.*

*deleted*

Or. en

**Amendment 226**

**Jasenko Selimovic, Dita Charanzová**

**Proposal for a regulation**

**Article 5 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*The Commission shall take due account of the principle of proportionality, in particular with regard to small and medium-sized undertakings.*

*deleted*

Or. en

**Amendment 227**

**Igor Šoltes**

**Proposal for a regulation**

**Article 5 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

The Commission shall take due account of the principle of proportionality, in particular with regard to small and medium-sized undertakings.

The Commission shall take due account of the principle of proportionality, in particular with regard to small and medium-sized undertakings *in order to avoid significant additional costs and administrative burdens as a result of the requests for information.*



**Amendment 228**

**Edward Czesak**

**Proposal for a regulation**

**Article 5 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The undertakings or association of undertakings concerned by the request as referred to in Article 4 may, if they consider that the request could jeopardise their substantial economic interests, appeal against the request by the Commission before the national courts. The national court may quash the request from the Commission. Submitting an appeal to the court shall have suspensive effect on the time limits.**

Or. en

**Amendment 229**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 6 – title**

*Text proposed by the Commission*

*Amendment*

Request *for* information *made* to undertakings and associations of undertakings

**Decision to request Member States to provide** information *relative* to undertakings and associations of undertakings

Or. en

**Amendment 230**

**Jiří Pospíšil**

**Proposal for a regulation**  
**Article 6 – title**

*Text proposed by the Commission*

*Amendment*

***Request for*** information made to  
undertakings and associations of  
undertakings

***Decision to request*** information made to  
undertakings and associations of  
undertakings

Or. cs

**Amendment 231**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

*Text proposed by the Commission*

*Amendment*

***1. In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may, by simple request or by decision, require undertakings and associations of undertakings to provide information.*** ***deleted***

***When selecting the recipients of the requests for information, the Commission shall aim at ensuring that such requests are only addressed to undertakings and associations of undertakings that are capable of providing relevant information.***

***The Commission shall not issue requests for information in accordance with this Regulation to micro-undertakings, unless they are part of a group of undertakings which qualifies at least as small group as defined in Article 6(5) of Directive 2013/34/EU.***

Or. en

*Justification*

*Covered by new Article 6.1a*

**Amendment 232**

**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**

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

*Text proposed by the Commission*

In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may, by simple request or by decision, **require** undertakings and associations of undertakings to provide information.

*Amendment*

In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may, by simple request or by decision, **request** undertakings and associations of undertakings to provide information **on a voluntary basis**.

Or. en

**Amendment 233**

**Edward Czesak**

**Proposal for a regulation**

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

*Text proposed by the Commission*

In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may, by **simple** request **or by decision**, require undertakings and associations of undertakings to provide information.

*Amendment*

In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may, by **formal written** request, require undertakings and associations of undertakings to provide information.

Or. en

**Amendment 234**

**Jiří Pospíšil**

**Proposal for a regulation**

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

*Text proposed by the Commission*

In the cases provided for in Article 4 and

*Amendment*

In the cases provided for in Article 4 and

under the conditions laid down in Article 5, the Commission may, by *simple request or by decision*, require undertakings and associations of undertakings to provide information.

under the conditions laid down in Article 5, the Commission may, by decision, require undertakings and associations of undertakings to provide information.

Or. cs

**Amendment 235**  
**Anna Maria Corazza Bildt**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may, by simple request *or by decision*, require undertakings and associations of undertakings to provide information.

*Amendment*

In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may, by simple request, require undertakings and associations of undertakings to provide information.

Or. en

**Amendment 236**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may, *by simple request or by decision, require* undertakings and associations of undertakings to provide information.

*Amendment*

In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may *invite* undertakings and associations of undertakings *via an open call* to provide information.

Or. en

**Amendment 237**

**Igor Šoltes**

**Proposal for a regulation**

**Article 6 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may, by simple request only, require small-and-medium enterprises to provide information.***

Or. en

**Amendment 238**

**Dennis de Jong**

**Proposal for a regulation**

**Article 6 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***When selecting the recipients of the requests for information, the Commission shall aim at ensuring that such requests are only addressed to undertakings and associations of undertakings that are capable of providing relevant information.***

***For this purpose, the Commission shall publish its decision as mentioned in Article 5 in the Official Journal of the European Union, together with information on the periods within which interested undertakings or associations of undertakings may make themselves known to the Commission and may present their intention to provide information.***

Or. en

**Amendment 239**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 6 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***When selecting the recipients of the***

***The Commission shall ensure that***

*requests for information, the Commission shall aim at ensuring that such requests are only addressed to* undertakings and associations of undertakings that are capable of providing relevant information.

information *is only requested from* undertakings and associations of undertakings that are capable of providing relevant information.

Or. cs

**Amendment 240**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*The Commission shall not issue requests for information in accordance with this Regulation to micro-undertakings, unless they are part of a group of undertakings which qualifies at least as small group as defined in Article 6(5) of Directive 2013/34/EU.*

*deleted*

Or. en

**Amendment 241**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

The Commission shall *not* issue requests for information in accordance with this Regulation *to micro-undertakings, unless they are part of a group* of undertakings *which qualifies at least as small group* as defined in Article 6(5) of Directive 2013/34/EU.

The Commission shall issue requests for information in accordance with this Regulation *only to large groups* of undertakings as defined in Article 3(7) of Directive 2013/34/EU.

Or. fr

#### **Amendment 242**

**Jasenko Selimovic, Richard Sulík, Edward Czesak, Daniel Dalton**

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

#### **Article 6 – paragraph 1 – subparagraph 3**

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

The Commission shall not issue requests for information in accordance with this Regulation to micro-undertakings, unless they are part of a group of undertakings which qualifies at least as *small* group as **defined in Article 6(5) of Directive 2013/34/EU**.

##### *Amendment*

The Commission shall not issue requests for information in accordance with this Regulation to micro-undertakings, ***small undertakings and medium-size undertakings*** unless they are part of a group of undertakings which qualifies at least as ***a large*** group ***under*** Article 3(7) of Directive 2013/34/EU.

Or. en

#### **Amendment 243**

**Maria Grapini**

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

#### **Article 6 – paragraph 1 – subparagraph 3**

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

The Commission shall not issue requests for information in accordance with this Regulation to micro-undertakings, unless they are part of a group of undertakings which qualifies at least as small group as defined in Article 6(5) of Directive 2013/34/EU.

##### *Amendment*

The Commission shall not issue requests for information in accordance with this Regulation to micro-undertakings ***and small and medium-sized undertakings***, unless they are part of a group of undertakings which qualifies at least as small group as defined in Article 6(5) of Directive 2013/34/EU.

Or. ro

#### **Amendment 244**

**Jasenko Selimovic, Dita Charanzová**

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

#### **Article 6 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

The Commission shall not issue requests for information in accordance with this Regulation to micro-undertakings, unless they are part of a group of undertakings which qualifies at least as small group as defined in Article 6(5) of Directive 2013/34/EU.

*Amendment*

The Commission shall not issue requests for information in accordance with this Regulation to **SMEs and** micro-undertakings, unless they are part of a group of undertakings which qualifies at least as small group as defined in Article 6(5) of Directive 2013/34/EU.

Or. en

**Amendment 245**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 6 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

The Commission shall not *issue requests for information in accordance with this Regulation to* micro-undertakings, unless they are part of a group of undertakings which qualifies at least as small group as defined in Article 6(5) of Directive 2013/34/EU.

*Amendment*

The Commission shall ***therefore not request*** information ***from*** micro-undertakings, unless they are part of a group of undertakings which qualifies at least as small group as defined in Article 6(5) of Directive 2013/34/EU.

Or. cs

**Amendment 246**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. In the cases provided for in Article 4 and under the conditions laid down in Article 5, the Commission may adopt a decision requesting Member States to require undertakings and associations of undertakings to provide information. This***



*decision shall include the following:*

- (a) a description of the alleged serious difficulty of a cross-border dimension with the application of Union law and why such difficulty risks undermining the attainment of an important Union policy objective;*
- (b) a description of the information to be requested;*
- (c) a reasoned explanation of why such information is necessary for the purposes referred to in Article 4;*
- (d) a reasoned explanation of why other means to obtain such information have proven insufficient or inadequate or cannot be obtained in a timely manner to date;*
- (e) the criteria for selecting the addressees of the requests for information.*

*When selecting the recipients of the requests for information, the Commission shall aim at ensuring that such requests are only addressed to undertakings and associations of undertakings that are capable of providing relevant information.*

*The decision shall be addressed to the undertaking or associations of undertakings concerned. The Commission shall notify the undertaking or associations of undertakings concerned without delay.*

*The Commission shall not issue decision for information in accordance with this Regulation to micro-undertakings and small undertakings, unless they are part of a group of undertakings which qualifies at least as small group as defined in Article 6(5) of Directive 2013/34/EU.*

Or. en

**Amendment 247**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information.**

**deleted**

Or. cs

**Amendment 248**

**Philippe Juvin**

**Proposal for a regulation**

**Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also refer to the *fines* provided for in Article 9(1) for supplying *incorrect* or misleading information.**

**2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. *On no account may the time limit be less than 3 months, unless there is a compelling and duly substantiated need.* It shall also refer to the *periodic penalty payments* provided for in Article 9(2) for *deliberately* supplying *incomplete* or misleading information.**

Or. fr

**Amendment 249**

**Dennis de Jong**

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

*Text proposed by the Commission*

2. The ***simple request*** referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. ***It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information.***

*Amendment*

2. The ***call*** referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided.

Or. en

**Amendment 250**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

*Text proposed by the Commission*

2. The ***simple request*** referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. ***It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information.***

*Amendment*

2. The ***decision*** referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided.

Or. en

**Amendment 251**  
**Jasenکو Selimovic, Dita Charanzová**

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

*Text proposed by the Commission*

2. The simple request referred to in

*Amendment*

2. The simple request referred to in

paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information *is to* be provided. ***It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information.***

paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information *may* be provided.

Or. en

#### **Amendment 252**

**Richard Sulík, Edward Czesak, Daniel Dalton**

#### **Proposal for a regulation Article 6 – paragraph 2**

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

2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information *is to* be provided. ***It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information.***

##### *Amendment*

2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information *may* be provided.

Or. en

#### **Amendment 253**

**Anna Maria Corazza Bildt**

#### **Proposal for a regulation Article 6 – paragraph 2**

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

2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the *information is to be provided. It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading* information.

##### *Amendment*

2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the *Commission would need the* information.

## Amendment 254

Igor Šoltes

### Proposal for a regulation

#### Article 6 – paragraph 2

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

2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information.

##### *Amendment*

2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information ***or do not supply information within the prescribed time limit.***

Or. en

## Amendment 255

Edward Czesak

### Proposal for a regulation

#### Article 6 – paragraph 2

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

2. The ***simple*** request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall ***also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information.***

##### *Amendment*

2. The request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. ***In addition, it shall indicate the right of the undertaking or association of undertakings to appeal against the request through the national courts.***

Or. en

**Amendment 256**

**Maria Grapini**

**Proposal for a regulation**

**Article 6 – paragraph 2**

*Text proposed by the Commission*

2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required **and** prescribe a proportionate time limit within which the information is to be provided. It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information.

*Amendment*

2. The simple request referred to in paragraph 1 shall state the legal basis and its purpose, specify what information is required, prescribe a proportionate time limit within which the information is to be provided **and prescribe its voluntary nature**. It shall also refer to the fines provided for in Article 9(1) for supplying incorrect or misleading information.

Or. ro

**Amendment 257**

**Igor Šoltes**

**Proposal for a regulation**

**Article 6 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***A recipient of a request for information shall have the possibility to request an extension of the time limit pursuant to Article 14.***

Or. en

**Amendment 258**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 6 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The undertakings or association of undertakings concerned by the request as***

*referred to in Article 4 are obliged to provide only information that is at their disposal.*

Or. en

**Amendment 259**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3.** *The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.* **deleted**

*In addition, it shall indicate the right of the undertaking or association of undertakings to have the decision reviewed by the Court of Justice of the European Union.*

*The undertaking and association of undertakings concerned may request an extension of the time-limit, in accordance with Article 14.*

Or. en

*Justification*

*Deletion due to the simplification of the SMIT based only on decision to be addressed to Member States.*

**Amendment 260**

**Anna Maria Corazza Bildt**

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.* *deleted*

*In addition, it shall indicate the right of the undertaking or association of undertakings to have the decision reviewed by the Court of Justice of the European Union.*

*The undertaking and association of undertakings concerned may request an extension of the time-limit, in accordance with Article 14.*

Or. en

**Amendment 261**  
**Edward Czesak**

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.* *deleted*



*In addition, it shall indicate the right of the undertaking or association of undertakings to have the decision reviewed by the Court of Justice of the European Union.*

*The undertaking and association of undertakings concerned may request an extension of the time-limit, in accordance with Article 14.*

Or. en

**Amendment 262**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 6 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.*

*deleted*

Or. en

**Amendment 263**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 6 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information is to be

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information is to be

provided. *It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.*

provided.

Or. ro

#### **Amendment 264**

**Richard Sulík, Edward Czesak, Daniel Dalton**

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

#### **Article 6 – paragraph 3 – subparagraph 1**

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

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information *is to* be provided. *It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.*

##### *Amendment*

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information *may* be provided.

Or. en

#### **Amendment 265**

**Jasenko Selimovic, Dita Charanzová**

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

#### **Article 6 – paragraph 3 – subparagraph 1**

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

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information *is to* be provided. *It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.*

##### *Amendment*

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information *may* be provided.

**Amendment 266****Philippe Juvin****Proposal for a regulation****Article 6 – paragraph 3 – subparagraph 1***Text proposed by the Commission*

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also indicate *the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.*

*Amendment*

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. ***On no account may the time limit be less than 3 months, unless there is a compelling and duly substantiated need.*** It shall also indicate the periodic penalties payments provided for in Article 9(2).

Or. fr

**Amendment 267****Jiří Pospíšil****Proposal for a regulation****Article 6 – paragraph 3 – subparagraph 1***Text proposed by the Commission*

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the ***request***, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.

*Amendment*

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the ***decision***, specify what information is required and prescribe a proportionate time limit within which the information is to be provided. It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.

Or. cs

**Amendment 268**  
**Jasenko Selimovic, Dita Charanzová, Richard Sulík**

**Proposal for a regulation**  
**Article 6 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information **is to** be provided. It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.

*Amendment*

The decision referred to in paragraph 1 shall state the legal basis, the purpose of the request, specify what information is required and prescribe a proportionate time limit within which the information **may** be provided. It shall also indicate the fines provided for in Article 9(1) and the periodic penalties payments provided for in Article 9(2), as appropriate.

Or. en

**Amendment 269**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 6 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

***In addition, it shall indicate the right of the undertaking or association of undertakings to have the decision reviewed by the Court of Justice of the European Union.***

*Amendment*

***deleted***

Or. en

**Amendment 270**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 6 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

***The undertaking and association of***

*Amendment*

***deleted***

Or, en

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

*Text proposed by the Commission*

*Amendment*

**4.** *The Commission shall simultaneously provide a copy of the simple request or of the decision referred to in this Article to the Member State in whose territory the registered seat of the undertaking or association of undertakings is situated.* *deleted*

*Where the Commission has launched a formal infringement procedure pursuant to Article 258 TFEU, the Commission shall provide the Member State concerned by the procedure with a copy of all simple requests or decisions referred to in this Article issued in the context of that procedure, irrespective of where the registered seat of the undertaking or association of undertakings is situated.*

Or, en

### Justification

*Deletion due to the simplification of the SMIT based only on decision to be addressed to Member States and information duties already covered by new Article 6.1a.*

## Dennis de Jong

**Proposal for a regulation**  
**Article 6 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall simultaneously provide a copy of the *simple request or of the decision* referred to in this Article to the Member State *in whose territory the registered seat of the undertaking or association of undertakings is situated*.

*Amendment*

The Commission shall simultaneously provide a copy of the *call* referred to in this Article to the Member State(s) *concerned*.

Or. en

**Amendment 273**

**Edward Czesak**

**Proposal for a regulation**

**Article 6 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall simultaneously provide a copy of the *simple request or of the decision* referred to in this Article to the Member State in whose territory the registered seat of the undertaking or association of undertakings is situated.

*Amendment*

The Commission shall simultaneously provide a copy of the request referred to in this Article to the Member State in whose territory the registered seat of the undertaking or association of undertakings is situated.

Or. en

**Amendment 274**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 6 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall simultaneously provide a copy of the *simple request or of the decision* referred to in this Article to the Member State in whose territory the registered seat of the undertaking or association of undertakings is situated.

*Amendment*

The Commission shall simultaneously provide a copy of the decision referred to in this Article to the Member State in whose territory the registered seat of the undertaking or association of undertakings is situated.

Or. cs

## Amendment 275

Dennis de Jong

### Proposal for a regulation

#### Article 6 – paragraph 4 – subparagraph 2

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

Where the Commission has launched a formal infringement procedure pursuant to Article 258 TFEU, the Commission shall provide the Member State concerned by the procedure with a copy of all ***simple requests or decisions*** referred to in this Article issued in the context of that procedure, ***irrespective of where the registered seat of the undertaking or association of undertakings is situated.***

##### *Amendment*

Where the Commission has launched a formal infringement procedure pursuant to Article 258 TFEU, the Commission shall provide the Member State concerned by the procedure with a copy of all ***calls for information*** referred to in this Article issued in the context of that procedure.

Or. en

## Amendment 276

Jiří Pospíšil

### Proposal for a regulation

#### Article 6 – paragraph 4 – subparagraph 2

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

Where the Commission has launched a formal infringement procedure pursuant to Article 258 TFEU, the Commission shall provide the Member State concerned by the procedure with a copy of all ***simple requests or decisions*** referred to in this Article ***issued*** in the context of that procedure, irrespective of where the registered seat of the undertaking or association of undertakings is situated.

##### *Amendment*

Where the Commission has launched a formal infringement procedure pursuant to Article 258 TFEU, the Commission shall provide the Member State concerned by the procedure with a copy of all decisions referred to in this Article ***adopted*** in the context of that procedure, irrespective of where the registered seat of the undertaking or association of undertakings is situated.

Or. cs

**Amendment 277**  
**Edward Czesak**

**Proposal for a regulation**  
**Article 6 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

Where the Commission has launched a formal infringement procedure pursuant to Article 258 TFEU, the Commission shall provide the Member State concerned by the procedure with a copy of all *simple* requests *or decisions* referred to in this Article issued in the context of that procedure, irrespective of where the registered seat of the undertaking or association of undertakings is situated.

*Amendment*

Where the Commission has launched a formal infringement procedure pursuant to Article 258 TFEU, the Commission shall provide the Member State concerned by the procedure with a copy of all *the* requests referred to in this Article issued in the context of that procedure, irrespective of where the registered seat of the undertaking or association of undertakings is situated.

Or. en

**Amendment 278**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**  
**Article 6 – paragraph 5**

*Text proposed by the Commission*

**5.      *The decisions referred to in paragraph 1 shall be addressed to the undertaking or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay.***

*Amendment*

***deleted***

Or. en

*Justification*

*Deletion due to the simplification of the SMIT based only on decision to be addressed to Member States and information duties already covered by new Article 6.1a.*



**Amendment 279**

**Dennis de Jong**

**Proposal for a regulation**

**Article 6 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The *decisions* referred to in paragraph 1 shall be addressed to the undertaking or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay.

*deleted*

Or. en

**Amendment 280**

**Edward Czesak**

**Proposal for a regulation**

**Article 6 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The *decisions* referred to in paragraph 1 shall be addressed to the undertaking or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay.

5. The *request* referred to in paragraph 1 shall be addressed to the undertaking or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay.

Or. en

**Amendment 281**

**Philippe Juvin**

**Proposal for a regulation**

**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 6a**

*The request for information from undertakings and associations of undertakings must not generate a*

*disproportionate administrative or financial burden.*

Or. fr

**Amendment 282**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 7 – title**

*Text proposed by the Commission*

Answers to ***requests for*** information and protection of confidential information

*Amendment*

Answers to ***decisions requesting*** information and protection of confidential information

Or. en

**Amendment 283**

**Dennis de Jong**

**Proposal for a regulation**

**Article 7 – title**

*Text proposed by the Commission*

Answers to ***requests*** for information and protection of confidential information

*Amendment*

Answers to ***calls*** for information and protection of confidential information

Or. en

**Amendment 284**

**Jasenko Selimovic, Dita Charanzová, Richard Sulík**

**Proposal for a regulation**

**Article 7 – paragraph 1**

*Text proposed by the Commission*

1. The undertakings or associations of undertakings ***providing*** information following a Commission's request for

*Amendment*

1. The undertakings or associations of undertakings, ***which have voluntarily accepted to provide*** information following

information based on Article 5 shall submit their answers to the Commission in a clear, complete and accurate manner.

a Commission's request for information based on Article 5, shall submit their answers to the Commission in a clear, complete and accurate manner.

Or. en

**Amendment 285**  
**Jiří Pospíšil**

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

*Text proposed by the Commission*

1. The undertakings or associations of undertakings providing information following a Commission's **request for** information **based on** Article 5 shall submit their answers to the Commission in a clear, complete and accurate manner.

*Amendment*

1. The undertakings or associations of undertakings providing information following a Commission's **decision to request** information **adopted pursuant to** Article 6 shall submit their answers to the Commission in a clear, complete and accurate manner.

Or. cs

**Amendment 286**  
**Maria Grapini**

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

*Text proposed by the Commission*

1. The undertakings or associations of undertakings providing information following a Commission's request for information based on Article 5 shall submit their answers to the Commission in a clear, complete and accurate manner.

*Amendment*

1. The undertakings or associations of undertakings providing information following a Commission's request for information based on Article 5 shall submit their **voluntary** answers to the Commission in a clear, complete and accurate manner.

Or. ro

## Amendment 287

Virginie Rozière, Lucy Anderson, Marc Tarabella

### Proposal for a regulation

#### Article 7 – paragraph 1

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

1. The undertakings or associations of undertakings providing information following a Commission's **request** for information based on Article 5 shall submit their answers to **the Commission** in a clear, complete and accurate manner.

##### *Amendment*

1. The undertakings or associations of undertakings providing information following a Commission's **decision** for information based on Article 5 shall submit their answers to **Member States** in a clear, complete and accurate manner.

Or. en

##### *Justification*

*Member States are the ones to be requesting to provide information (Art. 4 TEU, Art. 258 TFEU) and therefore are responsible for collecting information to undertakings. The answers of undertakings are then addressed to Member States.*

## Amendment 288

Dennis de Jong

### Proposal for a regulation

#### Article 7 – paragraph 1

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

1. The undertakings or associations of undertakings providing information following a Commission's **request** for information based on Article 5 shall submit their answers to the Commission in a clear, complete and accurate manner.

##### *Amendment*

1. The undertakings or associations of undertakings providing information following a Commission's **call** for information based on Article 5 shall submit their answers to the Commission in a clear, complete and accurate manner.

Or. en

## Amendment 289

Robert Jarosław Iwaszkiewicz

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

*Text proposed by the Commission*

1. The undertakings or associations of undertakings providing information following a Commission's request for information based on Article 5 shall submit their answers to the Commission in a clear, complete **and accurate** manner.

*Amendment*

1. The undertakings or associations of undertakings providing information following a Commission's request for information based on Article 5 shall submit their answers to the Commission in a clear **and** complete manner.

Or. pl

**Amendment 290**  
**Igor Šoltes**

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

*Text proposed by the Commission*

*Amendment*

**1a. The Commission shall give the addressee the opportunity to make their views known within a period of one month from the adoption of a decision or request pursuant to Article 6(1). This period shall not be taken into consideration for the calculation of deadlines for submission of responses.**

Or. en

**Amendment 291**  
**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall give the addressee the opportunity to indicate which information it considers to be covered by the obligation of professional secrecy.

*Amendment*

The Commission shall give the addressee the opportunity to indicate which information it considers to be covered by the obligation of professional and trade

secrecy. *Such information is not covered by this document.*

Or. pl

**Amendment 292**

**Dennis de Jong**

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall give the *addressee* the opportunity to indicate which information it considers to be covered by the obligation of professional secrecy.

*Amendment*

The Commission shall give the *respondents to the call* the opportunity to indicate which information it considers to be covered by the obligation of professional secrecy.

Or. en

**Amendment 293**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*The Commission* shall give the addressee the opportunity to indicate which information it considers to be covered by the obligation of professional secrecy.

*Amendment*

*Member States* shall give the addressee the opportunity to indicate which information it considers to be covered by the obligation of professional secrecy.

Or. en

**Amendment 294**

**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The undertaking or association of undertakings submitting information pursuant to Article 5 shall clearly indicate which information it considers to be confidential, stating the reasons for such confidentiality claim, and provide the Commission with a separate non-confidential version of the submission. When information is to be provided by a certain deadline, the same deadline shall apply for providing the non-confidential version.

*Amendment*

The undertaking or association of undertakings submitting information *may refuse to provide the documents if they are confidential, part of a trade secret or vital to the undertaking's operations under competitive market conditions.*

Or. pl

**Amendment 295**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 7 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The undertaking or association of undertakings submitting information pursuant to Article 5 shall clearly indicate which information it considers to be confidential, *stating the reasons for such confidentiality claim*, and provide *the Commission* with a separate non-confidential version of the submission. When information is to be provided by a certain deadline, the same deadline shall apply for providing the non-confidential version.

*Amendment*

The undertaking or association of undertakings submitting information pursuant to Article 5 shall clearly indicate which information it considers to be confidential and provide **Member States** with a separate non-confidential version of the submission. When information is to be provided by a certain deadline, the same deadline shall apply for providing the non-confidential version.

Or. en

**Amendment 296**

**Dennis de Jong**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The undertaking or association of undertakings submitting information pursuant to **Article 5** shall clearly indicate which information it considers to be confidential, stating the reasons for such confidentiality claim, and provide the Commission with a separate non-confidential version of the submission. When information is to be provided by a certain deadline, the same deadline shall apply for providing the non-confidential version.

*Amendment*

The undertaking or association of undertakings submitting information pursuant to **Articles 5 and 6** shall clearly indicate which information it considers to be confidential, stating the reasons for such confidentiality claim, and provide the Commission with a separate non-confidential version of the submission. When information is to be provided by a certain deadline, the same deadline shall apply for providing the non-confidential version.

Or. en

**Amendment 297**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**  
**Article 7 – paragraph 3**

*Text proposed by the Commission*

**3. The Commission shall forward the answers received to the Member State concerned by the request where they are relevant for a formal infringement procedure pursuant to Article 258 TFEU against the Member State concerned. Where an answer under this article includes information that is confidential vis-à-vis that Member State, the Commission shall only forward the non-confidential version of the submission.**

*Amendment*

**deleted**

Or. en

*Justification*

*Deletion of this paragraph as being whether irrelevant or covered by the rules of procedures of the Court of justice.*



**Amendment 298**  
**Jasenکو Selimovic, Dita Charanzová**

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission shall verify whether the confidentiality claim of the information transmitted made by the respondent undertakings or associations of undertakings under subparagraph 2 of paragraph 2 is well-founded and proportionate.**

**deleted**

*After giving the undertaking or association of undertakings concerned the opportunity of making known its views, the Commission may take a decision finding that the information claimed to be confidential is not protected, and setting a date after which the information is to be disclosed. That period shall not be less than 1 month.*

*That decision shall be notified to the undertaking or association of undertakings concerned without delay.*

Or. en

**Amendment 299**  
**Igor Šoltes**

**Proposal for a regulation**  
**Article 7 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission shall verify whether the confidentiality claim of the information transmitted made by the respondent undertakings or associations of undertakings under subparagraph 2 of paragraph 2 is well-founded and

The Commission shall verify whether the confidentiality claim of the information transmitted made by the respondent undertakings or associations of undertakings under subparagraph 2 of paragraph 2 is well-founded and

proportionate.

proportionate *based on an assessment whether the disclosure of such information would cause significant harm to the economic interests of the undertakings or association of undertakings.*

Or. en

## **Amendment 300**

**Dennis de Jong**

### **Proposal for a regulation**

#### **Article 7 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall *verify whether the confidentiality claim of the information transmitted made by the respondent undertakings or associations of undertakings under subparagraph 2 of paragraph 2 is well-founded and proportionate.*

*Amendment*

The Commission *and Member States, including their officials*, shall *not reveal any information received pursuant to this Regulation for which confidential treatment has been claimed, without the specific permission from the undertaking or association of undertakings concerned.*

Or. en

## **Amendment 301**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

### **Proposal for a regulation**

#### **Article 7 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

*The Commission* shall verify whether the confidentiality claim of the information transmitted made by the respondent undertakings or associations of undertakings under subparagraph 2 of paragraph 2 is well-founded and proportionate.

*Amendment*

*Member States* shall verify whether the confidentiality claim of the information transmitted made by the respondent undertakings or associations of undertakings under subparagraph 2 of paragraph 2 is well-founded and proportionate.

Or. en

**Amendment 302**

**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**

**Article 7 – paragraph 4 – subparagraph 1**

*Text proposed by the Commission*

The Commission shall ***verify whether*** the confidentiality claim of the information transmitted made by the respondent undertakings or associations of undertakings under subparagraph 2 of paragraph 2 ***is well-founded and proportionate***.

*Amendment*

The Commission shall ***not be entitled to object*** the confidentiality claim of the information transmitted made by the respondent undertakings or associations of undertakings under subparagraph 2 of paragraph 2.

Or. en

**Amendment 303**

**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**

**Article 7 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

***After giving the undertaking or association of undertakings concerned the opportunity of making known its views, the Commission may take a decision finding that the information claimed to be confidential is not protected, and setting a date after which the information is to be disclosed. That period shall not be less than 1 month.***

*Amendment*

***deleted***

Or. en

**Amendment 304**

**Dennis de Jong**

**Proposal for a regulation**

**Article 7 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*After giving the undertaking or association of undertakings concerned the opportunity of making known its views, the Commission may take a decision finding that the information claimed to be confidential is not protected, and setting a date after which the information is to be disclosed. That period shall not be less than 1 month.*

*deleted*

Or. en

#### **Amendment 305**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

#### **Article 7 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

After giving the undertaking or association of undertakings concerned the opportunity of making known its views, *the Commission* may take a decision finding that the information claimed to be confidential is not protected, and setting a date after which the information is to be disclosed. That period shall not be less than 1 month.

After giving the undertaking or association of undertakings concerned the opportunity of making known its views, **Member States** may take a decision finding that the information claimed to be confidential is not protected and setting a date after which the information is to be disclosed **in accordance with national rules**. That period shall **however** not be less than 1 month.

Or. en

#### **Amendment 306**

**Robert Jarosław Iwaszkiewicz**

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

#### **Article 7 – paragraph 4 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

After giving the undertaking or association

After giving the undertaking or association

of undertakings concerned the opportunity of making known its views, the Commission may take a decision finding that the information claimed to be confidential is not protected, and setting a date after which the information is to be disclosed. That period shall not be less than *1 month*.

of undertakings concerned the opportunity of making known its views, the Commission may take a decision finding that the information claimed to be confidential is not protected, and setting a date after which the information is to be disclosed. That period shall not be less than *three months*.

Or. pl

#### **Amendment 307**

**Richard Sulík, Edward Czesak, Daniel Dalton**

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

#### **Article 7 – paragraph 4 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*That decision shall be notified to the undertaking or association of undertakings concerned without delay.*

*deleted*

Or. en

#### **Amendment 308**

**Dennis de Jong**

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

#### **Article 7 – paragraph 4 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*That decision shall be notified to the undertaking or association of undertakings concerned without delay.*

*deleted*

Or. en

#### **Amendment 309**

**Edward Czesak**

**Proposal for a regulation**  
**Article 7 – paragraph 4 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*That decision may be appealed against before the national courts within one month from the date of its formal written notification by the Commission. The period of time referred to in the second subparagraph of this paragraph shall be suspended from the date of appeal to a national court.*

Or. en

*Justification*

*The current proposal gives the EC power to arbitrarily decide in the matter of confidentiality with no clear criteria being set. The inclusion of the national courts in the procedure seems adequate.*

**Amendment 310**  
**Philippe Juvin**

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

*Text proposed by the Commission*

*Amendment*

*The Commission may only include confidential information provided by undertakings or association of undertakings in documents to be transmitted to other parties or to be made public, in the following cases:*

*deleted*

- (a) where such information is in summary or aggregated form or in any event in a form such that individual undertakings or associations of undertakings cannot be identified;*
- (b) where the Commission has previously obtained the agreement of the respondent to disclose such information;*
- (c) where the disclosure of such*

*information to a Member State is necessary to substantiate an infringement of Union law within the scope of this Regulation provided that the respondent has had the opportunity to make his views known before a decision is taken and to make use of available judicial remedies before disclosure.*

Or. fr

#### **Amendment 311**

**Robert Jarosław Iwaszkiewicz**

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

#### **Article 8 – paragraph 2 – introductory part**

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

The Commission may **only** include confidential information ***provided by undertakings or association of undertakings*** in documents to be transmitted to other parties or to be made public, ***in the following cases***:

##### *Amendment*

The Commission may **not** include ***any*** confidential information in documents to be transmitted to other parties or to be made public, ***unless***:

Or. pl

#### **Amendment 312**

**Jiří Pospíšil**

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

#### **Article 8 – paragraph 2 – introductory part**

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

The Commission may only include ***confidential*** information provided by undertakings or association of undertakings in documents to be transmitted to other parties or to be made public, in the following cases:

##### *Amendment*

The Commission may only include information ***labelled as confidential*** provided by undertakings or association of undertakings in documents to be transmitted to other parties or to be made public, in the following cases:

Or. cs

**Amendment 313**  
**Robert Jarosław Iwaszkiewicz**

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

*Text proposed by the Commission*

*Amendment*

(a) *where such information is in summary or aggregated form or in any event in a form such that individual undertakings or associations of undertakings cannot be identified;* *deleted*

Or. pl

**Amendment 314**  
**Jiří Pospíšil**

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

*Text proposed by the Commission*

*Amendment*

(b) where the Commission has previously obtained the agreement of the respondent to disclose such information; (b) where the Commission has previously obtained the *express* agreement of the respondent to disclose such information;

Or. cs

**Amendment 315**  
**Robert Jarosław Iwaszkiewicz**

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

*Text proposed by the Commission*

*Amendment*

(c) *where the disclosure of such information to a Member State is necessary to substantiate an infringement of Union law within the scope of this* *deleted*



*Regulation provided that the respondent has had the opportunity to make his views known before a decision is taken and to make use of available judicial remedies before disclosure.*

Or. pl

**Amendment 316**  
**Dennis de Jong**

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

*Text proposed by the Commission*

*Amendment*

(c) *where the disclosure of such information to a Member State is necessary to substantiate an infringement of Union law within the scope of this Regulation provided that the respondent has had the opportunity to make his views known before a decision is taken and to make use of available judicial remedies before disclosure.* *deleted*

Or. en

**Amendment 317**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

*Text proposed by the Commission*

*Amendment*

(c) *where the disclosure of such information to a Member State is necessary to substantiate an infringement of Union law within the scope of this Regulation provided that the respondent has had the opportunity to make his views known before a decision is taken and to make use of available judicial remedies before disclosure.* *deleted*

*Justification*

*Made irrelevant due to other amendments.*

**Amendment 318**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) where the disclosure of such information to a Member State is necessary to substantiate an infringement of Union law within the scope of this Regulation provided that the respondent has had the opportunity to make his views known before a decision is taken and to make use of available judicial remedies before disclosure.

*Amendment*

(c) where the disclosure of such information to a Member State is necessary to substantiate an infringement of Union law within the scope *of Article 2* of this Regulation provided that the respondent has had the opportunity to make his views known before a decision is taken and to make use of available judicial remedies before disclosure.

Or. cs

**Amendment 319**

**Igor Šoltes**

**Proposal for a regulation**

**Article 8 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) where such information has lost its commercial importance, for instance due to the passage of time, and can no longer be considered as confidential.*

Or. en

**Amendment 320**

**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

*The information that has already been  
made public may be used by the  
Commission for a purpose other than the  
one set out in this Regulation.*

*deleted*

Or. pl

**Amendment 321**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

*The information that has already been  
made public may be used by the  
Commission for a purpose other than the  
one set out in this Regulation.*

*deleted*

Or. fr

**Amendment 322**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

*The information that has already been  
made public may be used by the  
Commission for a purpose other than the  
one set out in this Regulation.*

*deleted*

Or. en

**Amendment 323**  
**Edward Czesak**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

*The information **that has already been made public may be used by the Commission for a purpose other than the one** set out in this Regulation.*

*Amendment*

*Any information **gathered for the** purpose set out in this Regulation **can be processed by the Commission no longer than for the period of 36 months as from the date of their provision, after which period they must be removed from the database and destroyed.***

Or. en

**Amendment 324**  
**Igor Šoltes**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

The information that has already been made public may be used by the Commission for a purpose other than the one set out in this Regulation.

*Amendment*

The information that has already been made public may be used by the Commission for a purpose other than the one set out in this Regulation ***such as law enforcement of Union Single Market rules and policy development.***

Or. en

**Amendment 325**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 8a***

*The Commission shall justify its decision not to apply the provisions of this Regulation under Article 4(1a) within a reasonable period of time.*

Or. fr

**Amendment 326**  
**Philippe Juvin**

**Proposal for a regulation**  
**Chapter 3 – title**

*Text proposed by the Commission*

*Amendment*

*Fines and* periodic penalty payments

Periodic penalty payments

Or. fr

**Amendment 327**  
**Jasenکو Selimovic, Dita Charanzová**

**Proposal for a regulation**  
**Article 9**

*Text proposed by the Commission*

*Amendment*

*Article 9*

*deleted*

*Fines and periodic penalty payments*

*1. The Commission may, by decision, where deemed necessary and proportionate, impose on undertakings or association of undertakings fines not exceeding 1 % of their total turnover in the preceding business year where they intentionally or through gross negligence:*

*(a) supply incorrect or misleading information in response to a request made pursuant to Article 6(2);*

*(b) supply incorrect, incomplete or misleading information in response to a decision adopted pursuant to Article 6(3) or do not supply the information within*

*the prescribed time limit.*

*2. The Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where an undertaking fails to supply complete, accurate and not misleading information within the prescribed deadline as requested by the Commission by a decision adopted pursuant to Article 6(3).*

*The periodic penalty payments shall not exceed 5 % of the average daily turnover of the undertaking or association concerned in the preceding business year for each working day of delay, calculated from the date established in the decision, until it supplies the information requested or required by the Commission.*

*3. Where the undertaking or association of undertakings provides no or incomplete information, the Commission shall prior the imposition of a fine or penalty, set a final deadline of two weeks to receive the missing information.*

*4. The Commission shall take into account the nature, gravity and duration of the breach of Article 6(1), as well as the principle of proportionality in particular with regard to small and medium-sized undertakings when fixing the amount of the fine or periodic penalty payment.*

*5. Where the undertakings or associations of undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may reduce or waive the amount of the periodic penalty payment.*

*6. Before adopting any decision in accordance with paragraph 1 or 2, the Commission shall give the concerned undertakings or associations of undertakings the opportunity of making known their views.*

Or. en

**Amendment 328**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 9**

*Text proposed by the Commission*

*Amendment*

**Article 9**

**deleted**

***Fines and periodic penalty payments***

***1. The Commission may, by decision, where deemed necessary and proportionate, impose on undertakings or association of undertakings fines not exceeding 1 % of their total turnover in the preceding business year where they intentionally or through gross negligence:***

***(a) supply incorrect or misleading information in response to a request made pursuant to Article 6(2);***

***(b) supply incorrect, incomplete or misleading information in response to a decision adopted pursuant to Article 6(3) or do not supply the information within the prescribed time limit.***

***2. The Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where an undertaking fails to supply complete, accurate and not misleading information within the prescribed deadline as requested by the Commission by a decision adopted pursuant to Article 6(3).***

***The periodic penalty payments shall not exceed 5 % of the average daily turnover of the undertaking or association concerned in the preceding business year for each working day of delay, calculated from the date established in the decision, until it supplies the information requested or required by the Commission.***

***3. Where the undertaking or association of undertakings provides no***

*or incomplete information, the Commission shall prior the imposition of a fine or penalty, set a final deadline of two weeks to receive the missing information.*

*4. The Commission shall take into account the nature, gravity and duration of the breach of Article 6(1), as well as the principle of proportionality in particular with regard to small and medium-sized undertakings when fixing the amount of the fine or periodic penalty payment.*

*5. Where the undertakings or associations of undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may reduce or waive the amount of the periodic penalty payment.*

*6. Before adopting any decision in accordance with paragraph 1 or 2, the Commission shall give the concerned undertakings or associations of undertakings the opportunity of making known their views.*

Or. en

#### **Amendment 329**

**Richard Sulík, Edward Czesak, Daniel Dalton**

#### **Proposal for a regulation Article 9**

*Text proposed by the Commission*

*Amendment*

#### **Article 9**

*deleted*

#### **Fines and periodic penalty payments**

*1. The Commission may, by decision, where deemed necessary and proportionate, impose on undertakings or association of undertakings fines not exceeding 1 % of their total turnover in the preceding business year where they intentionally or through gross negligence:*



*(a) supply incorrect or misleading information in response to a request made pursuant to Article 6(2);*

*(b) supply incorrect, incomplete or misleading information in response to a decision adopted pursuant to Article 6(3) or do not supply the information within the prescribed time limit.*

*2. The Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where an undertaking fails to supply complete, accurate and not misleading information within the prescribed deadline as requested by the Commission by a decision adopted pursuant to Article 6(3).*

*The periodic penalty payments shall not exceed 5 % of the average daily turnover of the undertaking or association concerned in the preceding business year for each working day of delay, calculated from the date established in the decision, until it supplies the information requested or required by the Commission.*

*3. Where the undertaking or association of undertakings provides no or incomplete information, the Commission shall prior the imposition of a fine or penalty, set a final deadline of two weeks to receive the missing information.*

*4. The Commission shall take into account the nature, gravity and duration of the breach of Article 6(1), as well as the principle of proportionality in particular with regard to small and medium-sized undertakings when fixing the amount of the fine or periodic penalty payment.*

*5. Where the undertakings or associations of undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may reduce or waive the amount of the periodic penalty payment.*

6. *Before adopting any decision in accordance with paragraph 1 or 2, the Commission shall give the concerned undertakings or associations of undertakings the opportunity of making known their views.*

Or. en

**Amendment 330**  
**Anna Maria Corazza Bildt**

**Proposal for a regulation**  
**Article 9**

*Text proposed by the Commission*

*Amendment*

*Article 9*

*deleted*

*Fines and periodic penalty payments*

1. *The Commission may, by decision, where deemed necessary and proportionate, impose on undertakings or association of undertakings fines not exceeding 1 % of their total turnover in the preceding business year where they intentionally or through gross negligence:*

(a) *supply incorrect or misleading information in response to a request made pursuant to Article 6(2);*

(b) *supply incorrect, incomplete or misleading information in response to a decision adopted pursuant to Article 6(3) or do not supply the information within the prescribed time limit.*

2. *The Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where an undertaking fails to supply complete, accurate and not misleading information within the prescribed deadline as requested by the Commission by a decision adopted pursuant to Article 6(3).*

*The periodic penalty payments shall not*

*exceed 5 % of the average daily turnover of the undertaking or association concerned in the preceding business year for each working day of delay, calculated from the date established in the decision, until it supplies the information requested or required by the Commission.*

*3. Where the undertaking or association of undertakings provides no or incomplete information, the Commission shall prior the imposition of a fine or penalty, set a final deadline of two weeks to receive the missing information.*

*4. The Commission shall take into account the nature, gravity and duration of the breach of Article 6(1), as well as the principle of proportionality in particular with regard to small and medium-sized undertakings when fixing the amount of the fine or periodic penalty payment.*

*5. Where the undertakings or associations of undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may reduce or waive the amount of the periodic penalty payment.*

*6. Before adopting any decision in accordance with paragraph 1 or 2, the Commission shall give the concerned undertakings or associations of undertakings the opportunity of making known their views.*

Or. en

**Amendment 331**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 9 – title**

*Text proposed by the Commission*

*Amendment*

***Fines and*** periodic penalty payments

Periodic penalty payments

**Amendment 332**

**Philippe Juvin**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

- 1.      *The Commission may, by decision, where deemed necessary and proportionate, impose on undertakings or association of undertakings fines not exceeding 1 % of their total turnover in the preceding business year where they intentionally or through gross negligence:***      ***deleted***
- (a)      *supply incorrect or misleading information in response to a request made pursuant to Article 6(2);***
- (b)      *supply incorrect, incomplete or misleading information in response to a decision adopted pursuant to Article 6(3) or do not supply the information within the prescribed time limit.***

**Amendment 333**

**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**

**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

- 1.      *The Commission may, by decision, where deemed necessary and proportionate, impose on undertakings or association of undertakings fines not exceeding 1 % of their total turnover in the preceding business year where they intentionally or through gross negligence:***      ***deleted***
- (a)      *supply incorrect or misleading***

*information in response to a request made pursuant to Article 6(2);*

*(b) supply incorrect, incomplete or misleading information in response to a decision adopted pursuant to Article 6(3) or do not supply the information within the prescribed time limit.*

Or. pl

#### **Amendment 334**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

#### **Article 9 – paragraph 1 – introductory part**

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

1. *The Commission* may, *by decision*, where deemed necessary and proportionate, impose on undertakings or association of undertakings fines not exceeding 1 % of their total turnover in the preceding business year where they intentionally or through gross negligence:

##### *Amendment*

1. *Member States* may, where deemed necessary and proportionate, impose on undertakings or association of undertakings fines not exceeding 1 % of their total turnover in the preceding business year where they intentionally or through gross negligence:

Or. en

#### **Amendment 335**

**Jiří Pospíšil**

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

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

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

*(a) supply incorrect or misleading information in response to a request made pursuant to Article 6(2);*

##### *Amendment*

*deleted*

Or. cs

## Amendment 336

Igor Šoltes

### Proposal for a regulation

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

*Text proposed by the Commission*

(a) supply incorrect or misleading information in response to a request made pursuant to Article 6(2);

*Amendment*

(a) supply incorrect or misleading information in response to a request made pursuant to Article 6(2) ***or do not supply the information within the prescribed time limit;***

Or. en

## Amendment 337

Jiří Pospíšil

### Proposal for a regulation

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

*Text proposed by the Commission*

(b) supply incorrect, incomplete or misleading information in response to a decision adopted pursuant to Article 6(3) or do not supply the information within the prescribed time limit.

*Amendment*

(b) supply incorrect, incomplete or misleading information in response to a decision ***to request information*** adopted pursuant to Article 6 or do not supply the information within the prescribed time limit.

Or. cs

## Amendment 338

Robert Jarosław Iwaszkiewicz

### Proposal for a regulation

#### Article 9 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

***The Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where an undertaking fails to supply***

*Amendment*

***deleted***

*complete, accurate and not misleading information within the prescribed deadline as requested by the Commission by a decision adopted pursuant to Article 6(3).*

Or. pl

**Amendment 339**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 9 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where *an undertaking fails to supply complete, accurate and not misleading information within the prescribed deadline* as requested by the Commission by a decision adopted pursuant to Article 6(3).

*Amendment*

*Where there is absolutely imperative and proportionate cause*, the Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where *they deliberately supply incompletely or misleadingly* information requested by the Commission by decision adopted pursuant to Article 6(3).

Or. fr

**Amendment 340**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 9 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where an undertaking fails to supply complete, accurate and not misleading information within the prescribed deadline as requested by the Commission by a decision adopted pursuant to Article 6(3).

*Amendment*

The Commission may, by decision, impose on undertakings or associations of undertakings periodic penalty payments where, *even though it had agreed to do so*, an undertaking fails to supply complete, accurate and not misleading information within the prescribed deadline as requested by the Commission by a decision adopted pursuant to Article 6(3).

**Amendment 341**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 9 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

**The Commission** may, **by decision**, impose on undertakings or associations of undertakings periodic penalty payments where an undertaking fails to supply complete, accurate and not misleading information within the prescribed deadline as requested by the Commission by a decision adopted pursuant to Article 6(3).

*Amendment*

**Member States** may impose on undertakings or associations of undertakings periodic penalty payments where an undertaking fails to supply complete, accurate and not misleading information within the prescribed deadline as requested by the Commission by a decision adopted pursuant to Article 6(3).

Or. en

**Amendment 342**

**Philippe Juvin**

**Proposal for a regulation**

**Article 9 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The periodic penalty payments shall not exceed **5 %** of the average daily turnover of the undertaking or association concerned in the preceding business year for each working day of delay, calculated from the date established in the decision, until it supplies the information requested or required by the Commission.

*Amendment*

The periodic penalty payments shall not exceed **3 %** of the average daily turnover of the undertaking or association concerned in the preceding business year for each working day of delay, calculated from the date established in the decision, until it supplies **or completes** the information requested or required by the Commission.

Or. fr

**Amendment 343**

**Maria Grapini**



**Proposal for a regulation**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *Where the undertaking or association of undertakings provides no or incomplete information, the Commission shall prior the imposition of a fine or penalty, set a final deadline of two weeks to receive the missing information.*

*deleted*

Or. ro

**Amendment 344**  
**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *Where the undertaking or association of undertakings provides no or incomplete information, the Commission shall prior the imposition of a fine or penalty, set a final deadline of two weeks to receive the missing information.*

*deleted*

Or. pl

**Amendment 345**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Where the undertaking or association of undertakings provides no or incomplete information, *the Commission* shall prior the imposition of a fine or

3. Where the undertaking or association of undertakings provides no or incomplete information, *Member States* shall prior the imposition of a fine or

penalty, set a final deadline of two weeks to receive the missing information.

penalty, set a final deadline of two weeks to receive the missing information.

Or. en

#### **Amendment 346**

**Philippe Juvin**

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

#### **Article 9 – paragraph 3**

*Text proposed by the Commission*

3. Where the undertaking or association of undertakings provides no or incomplete information, the Commission shall prior the imposition of a ***fine or*** penalty, set a final deadline of two weeks to receive the missing information.

*Amendment*

3. Where the undertaking or association of undertakings provides no or incomplete information, the Commission shall prior the imposition of a penalty, set a final deadline of two weeks to receive the missing information.

Or. fr

#### **Amendment 347**

**Robert Jarosław Iwaszkiewicz**

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

#### **Article 9 – paragraph 4**

*Text proposed by the Commission*

4. ***The Commission shall take into account the nature, gravity and duration of the breach of Article 6(1), as well as the principle of proportionality in particular with regard to small and medium-sized undertakings when fixing the amount of the fine or periodic penalty payment.***

*Amendment*

***deleted***

Or. pl

#### **Amendment 348**

**Philippe Juvin**

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

*Text proposed by the Commission*

4. The Commission shall take into account the nature, gravity and duration of the breach of Article 6(1), as well as the principle of proportionality in particular with regard to small and medium-sized undertakings when fixing the amount of the ***fine or*** periodic penalty payment.

*Amendment*

4. The Commission shall take into account ***the absolute necessity leading to the imposition of the periodic penalty payment, and*** the nature, gravity and duration of the breach of Article 6(1), as well as the principle of proportionality in particular with regard to small and medium-sized undertakings when fixing the amount of the periodic penalty payment.

Or. fr

**Amendment 349**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

*Text proposed by the Commission*

4. ***The Commission*** shall take into account the nature, gravity and duration of the breach of Article 6(1), as well as the principle of proportionality in particular with regard to small and medium-sized undertakings when fixing the amount of the fine or periodic penalty payment.

*Amendment*

4. ***Member States*** shall take into account the nature, gravity and duration of the breach of Article 6(1), as well as the principle of proportionality in particular with regard to small and medium-sized undertakings when fixing the amount of the fine or periodic penalty payment.

Or. en

**Amendment 350**  
**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**  
**Article 9 – paragraph 5**

*Text proposed by the Commission*

5. ***Where the undertakings or***

*Amendment*

***deleted***

*associations of undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may reduce or waive the amount of the periodic penalty payment.*

Or. pl

#### **Amendment 351**

**Maria Grapini**

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

##### **Article 9 – paragraph 5**

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

5. Where the undertakings or associations of undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, the Commission may reduce or waive the amount of the periodic penalty payment.

###### *Amendment*

5. Where the undertakings or associations of undertakings have satisfied the ***accepted*** obligation which the periodic penalty payment was intended to enforce, the Commission may reduce or waive the amount of the periodic penalty payment.

Or. ro

#### **Amendment 352**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

##### **Article 9 – paragraph 5**

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

5. Where the undertakings or associations of undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, ***the Commission*** may reduce or waive the amount of the periodic penalty payment.

###### *Amendment*

5. Where the undertakings or associations of undertakings have satisfied the obligation which the periodic penalty payment was intended to enforce, ***Member States*** may reduce or waive the amount of the periodic penalty payment.

Or. en

#### **Amendment 353**

**Robert Jarosław Iwaszkiewicz**

**Proposal for a regulation**  
**Article 9 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. Before adopting any decision in accordance with paragraph 1 or 2, the Commission shall give the concerned undertakings or associations of undertakings the opportunity of making known their views.

*deleted*

Or. pl

**Amendment 354**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**  
**Article 9 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. Before adopting any decision in accordance with paragraph 1 or 2, *the Commission* shall give the concerned undertakings or associations of undertakings the opportunity of making known their views.

6. Before adopting any decision in accordance with paragraph 1 or 2, **Member States** shall give the concerned undertakings or associations of undertakings the opportunity of making known their views.

Or. en

**Amendment 355**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 9 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

6. Before adopting any decision in accordance with paragraph **1 or 2**, the Commission shall give the concerned undertakings or associations of undertakings the opportunity of making known their views.

6. Before adopting any decision in accordance with paragraph 2, the Commission shall give the concerned undertakings or associations of undertakings the opportunity of making known their views.

**Amendment 356**

**Jasenکو Selimovic, Dita Charanzová**

**Proposal for a regulation**

**Article 10**

*Text proposed by the Commission*

*Amendment*

**Article 10**

**deleted**

***Limitation period for the imposition of fines and periodic penalty payments***

- 1. The powers conferred on the Commission by Article 9 shall be subject to a limitation period of three years.***
- 2. The period provided for in paragraph 1 shall start on the day on which the infringement referred to in Article 9 is committed. However, in the case of continuing or repeated breaches of Article 6(1), the period shall begin on the day on which the breach ceases.***
- 3. Any action taken by the Commission for the purpose of investigating or pursuing a possible breach of Article 6(1) shall interrupt the limitation period for the imposition of fines or periodic penalty payments, with effect from the date on which the action is notified to the undertaking or association of undertakings concerned.***
- 4. After each interruption, the limitation period shall start running afresh. However, the limitation period shall expire at the latest on the day on which a period of six years has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended in accordance with paragraph 5.***
- 5. The limitation period for the imposition of fines or periodic penalty***

*payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.*

Or. en

**Amendment 357**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 10**

*Text proposed by the Commission*

*Amendment*

**Article 10**

**deleted**

***Limitation period for the imposition of fines and periodic penalty payments***

- 1. The powers conferred on the Commission by Article 9 shall be subject to a limitation period of three years.***
- 2. The period provided for in paragraph 1 shall start on the day on which the infringement referred to in Article 9 is committed. However, in the case of continuing or repeated breaches of Article 6(1), the period shall begin on the day on which the breach ceases.***
- 3. Any action taken by the Commission for the purpose of investigating or pursuing a possible breach of Article 6(1) shall interrupt the limitation period for the imposition of fines or periodic penalty payments, with effect from the date on which the action is notified to the undertaking or association of undertakings concerned.***
- 4. After each interruption, the limitation period shall start running afresh. However, the limitation period shall expire at the latest on the day on which a period of six years has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time***

*during which the limitation period is suspended in accordance with paragraph 5.*

*5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.*

Or. en

#### **Amendment 358**

**Richard Sulík, Edward Czesak, Daniel Dalton**

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

#### **Article 10**

*Text proposed by the Commission*

*Amendment*

#### **Article 10**

*deleted*

*Limitation period for the imposition of fines and periodic penalty payments*

*1. The powers conferred on the Commission by Article 9 shall be subject to a limitation period of three years.*

*2. The period provided for in paragraph 1 shall start on the day on which the infringement referred to in Article 9 is committed. However, in the case of continuing or repeated breaches of Article 6(1), the period shall begin on the day on which the breach ceases.*

*3. Any action taken by the Commission for the purpose of investigating or pursuing a possible breach of Article 6(1) shall interrupt the limitation period for the imposition of fines or periodic penalty payments, with effect from the date on which the action is notified to the undertaking or association of undertakings concerned.*

*4. After each interruption, the limitation period shall start running*



*afresh. However, the limitation period shall expire at the latest on the day on which a period of six years has elapsed without the Commission having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended in accordance with paragraph 5.*

*5. The limitation period for the imposition of fines or periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.*

Or. en

**Amendment 359**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 10 – title**

*Text proposed by the Commission*

*Amendment*

Limitation period for the imposition of *fines and* periodic penalty payments

Limitation period for the imposition of periodic penalty payments

Or. fr

**Amendment 360**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The powers conferred on *the Commission* by Article 9 shall be subject to a limitation period of three years.

1. The powers conferred on *Member States* by Article 9 shall be subject to a limitation period of three years.

Or. en

#### Amendment 361

Virginie Rozière, Lucy Anderson, Marc Tarabella

#### Proposal for a regulation

#### Article 10 – paragraph 3

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

3. Any action taken by *the Commission* for the purpose of investigating or pursuing a possible breach of Article 6(1) shall interrupt the limitation period for the imposition of fines or periodic penalty payments, with effect from the date on which the action is notified to the undertaking or association of undertakings concerned.

##### *Amendment*

3. Any action taken by **Member States** for the purpose of investigating or pursuing a possible breach of Article 6(1) shall interrupt the limitation period for the imposition of fines or periodic penalty payments, with effect from the date on which the action is notified to the undertaking or association of undertakings concerned.

Or. en

#### Amendment 362

Philippe Juvin

#### Proposal for a regulation

#### Article 10 – paragraph 3

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

3. Any action taken by the Commission for the purpose of investigating or pursuing a possible breach of Article 6(1) shall interrupt the limitation period for the imposition of *fines or* periodic penalty payments, with effect from the date on which the action is notified to the undertaking or association of undertakings concerned.

##### *Amendment*

3. Any action taken by the Commission for the purpose of investigating or pursuing a possible breach of Article 6(1) shall interrupt the limitation period for the imposition of periodic penalty payments, with effect from the date on which the action is notified to the undertaking or association of undertakings concerned.

Or. fr

#### Amendment 363

Virginie Rozière, Lucy Anderson, Marc Tarabella

**Proposal for a regulation**  
**Article 10 – paragraph 4**

*Text proposed by the Commission*

4. After each interruption, the limitation period shall start running afresh. However, the limitation period shall expire at the latest on the day on which a period of six years has elapsed without **the Commission** having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended in accordance with paragraph 5.

*Amendment*

4. After each interruption, the limitation period shall start running afresh. However, the limitation period shall expire at the latest on the day on which a period of six years has elapsed without **Member States** having imposed a fine or a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended in accordance with paragraph 5.

Or. en

**Amendment 364**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 10 – paragraph 4**

*Text proposed by the Commission*

4. After each interruption, the limitation period shall start running afresh. However, the limitation period shall expire at the latest on the day on which a period of six years has elapsed without the Commission having imposed a ***fine or a*** periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended in accordance with paragraph 5.

*Amendment*

4. After each interruption, the limitation period shall start running afresh. However, the limitation period shall expire at the latest on the day on which a period of six years has elapsed without the Commission having imposed a periodic penalty payment. That period shall be extended by the time during which the limitation period is suspended in accordance with paragraph 5.

Or. fr

**Amendment 365**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 10 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. The limitation period for the imposition of ***fin***~~es~~ ***or*** periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.

5. The limitation period for the imposition of periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.

Or. fr

**Amendment 366**

**Jasenکو Selimovic, Dita Charanzová**

**Proposal for a regulation**

**Article 11**

*Text proposed by the Commission*

*Amendment*

**Article 11**

***deleted***

***Limitation period for the enforcement of fines and periodic penalty payments***

***1. The powers of the Commission to enforce decisions adopted pursuant to Article 9 shall be subject to a limitation period of five years.***

***2. The period provided for in paragraph 1 shall start on the day on which the decision taken pursuant to Article 9 becomes final.***

***3. The limitation period provided for in paragraph 1 shall be interrupted:***

***(a) by notification of a decision modifying the original amount of the fine or periodic penalty payment or refusing an application for modification;***

***(b) by any action of a Member State, acting at the request of the Commission, or of the Commission, intended to enforce payment of the fine or periodic penalty payment.***

***4. After each interruption, the limitation period shall start running***

*afresh.*

**5.      *The limitation period provided for in paragraph 1 shall be suspended for so long as:***

**(a)      *the respondent is allowed time to pay;***

**(b)      *the enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.***

Or. en

#### **Amendment 367**

**Richard Sulík, Edward Czesak, Daniel Dalton**

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

#### **Article 11**

*Text proposed by the Commission*

*Amendment*

#### **Article 11**

***deleted***

#### ***Limitation period for the enforcement of fines and periodic penalty payments***

**1.      *The powers of the Commission to enforce decisions adopted pursuant to Article 9 shall be subject to a limitation period of five years.***

**2.      *The period provided for in paragraph 1 shall start on the day on which the decision taken pursuant to Article 9 becomes final.***

**3.      *The limitation period provided for in paragraph 1 shall be interrupted:***

**(a)      *by notification of a decision modifying the original amount of the fine or periodic penalty payment or refusing an application for modification;***

**(b)      *by any action of a Member State, acting at the request of the Commission, or of the Commission, intended to enforce payment of the fine or periodic penalty payment.***

4. *After each interruption, the limitation period shall start running afresh.*

5. *The limitation period provided for in paragraph 1 shall be suspended for so long as:*

(a) *the respondent is allowed time to pay;*

(b) *the enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.*

Or. en

**Amendment 368**  
**Dennis de Jong**

**Proposal for a regulation**  
**Article 11**

*Text proposed by the Commission*

*Amendment*

**Article 11**

**deleted**

***Limitation period for the enforcement of fines and periodic penalty payments***

1. *The powers of the Commission to enforce decisions adopted pursuant to Article 9 shall be subject to a limitation period of five years.*

2. *The period provided for in paragraph 1 shall start on the day on which the decision taken pursuant to Article 9 becomes final.*

3. *The limitation period provided for in paragraph 1 shall be interrupted:*

(a) *by notification of a decision modifying the original amount of the fine or periodic penalty payment or refusing an application for modification;*

(b) *by any action of a Member State, acting at the request of the Commission, or of the Commission, intended to enforce payment of the fine or periodic penalty*

*payment.*

**4.** *After each interruption, the limitation period shall start running afresh.*

**5.** *The limitation period provided for in paragraph 1 shall be suspended for so long as:*

*(a) the respondent is allowed time to pay;*

*(b) the enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.*

Or. en

#### **Amendment 369**

**Philippe Juvin**

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

##### **Article 11 – title**

*Text proposed by the Commission*

*Amendment*

Limitation period for the enforcement of ***fin***es and periodic penalty payments

Limitation period for the enforcement of periodic penalty payments

Or. fr

#### **Amendment 370**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

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

##### **Article 11 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The powers of ***the Commission*** to enforce decisions adopted pursuant to Article 9 shall be subject to a limitation period of five years.

1. The powers of ***Member States*** to enforce decisions adopted pursuant to Article 9 shall be subject to a limitation period of five years.

Or. en

## **Amendment 371**

**Philippe Juvin**

### **Proposal for a regulation**

#### **Article 11 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) by notification of a decision modifying the original amount of the ***fine*** ***or*** periodic penalty payment or refusing an application for modification;

*Amendment*

(a) by notification of a decision modifying the original amount of the periodic penalty payment or refusing an application for modification;

Or. fr

## **Amendment 372**

**Philippe Juvin**

### **Proposal for a regulation**

#### **Article 11 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) by any action of a Member State, acting at the request of the Commission, or of the Commission, intended to enforce payment of the ***fine*** ***or*** periodic penalty payment.

*Amendment*

(b) by any action of a Member State, acting at the request of the Commission, or of the Commission, intended to enforce payment of the periodic penalty payment.

Or. fr

## **Amendment 373**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

### **Proposal for a regulation**

#### **Article 11 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) the enforcement of payment is suspended pursuant to a decision of ***the Court of Justice of the European Union***.

*Amendment*

(b) the enforcement of payment is suspended pursuant to a decision of ***a national court***.



**Amendment 374**

**Dennis de Jong**

**Proposal for a regulation**

**Article 12**

*Text proposed by the Commission*

*Amendment*

**Article 12**

***deleted***

***Addressees of decisions***

***The decisions taken pursuant to Article 9(1) and (2) shall be addressed to the undertaking or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay.***

**Amendment 375**

**Jasenکو Selimovic, Dita Charanzová**

**Proposal for a regulation**

**Article 12**

*Text proposed by the Commission*

*Amendment*

**Article 12**

***deleted***

***Addressees of decisions***

***The decisions taken pursuant to Article 9(1) and (2) shall be addressed to the undertaking or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay.***

**Amendment 376**

**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**  
**Article 12**

*Text proposed by the Commission*

*Amendment*

**Article 12**

***deleted***

***Addressees of decisions***

***The decisions taken pursuant to Article 9(1) and (2) shall be addressed to the undertaking or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay.***

Or. en

**Amendment 377**  
**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The decisions taken pursuant to Article 9(1) and (2) shall be addressed to ***the undertaking or association of undertakings*** concerned. The Commission shall notify the decision to the addressee without delay.

The decisions taken pursuant to Article 9(1) and (2) shall be addressed to ***the Member State or group of Member States*** concerned. The Commission shall notify the decision to the addressee without delay.

Or. en

**Amendment 378**  
**Philippe Juvin**

**Proposal for a regulation**  
**Article 12 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The decisions taken pursuant to Article 9(***1***) ***and*** (2) shall be addressed to the

The decisions taken pursuant to Article 9(2) shall be addressed to the undertaking

undertaking or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay.

or association of undertakings concerned. The Commission shall notify the decision to the addressee without delay.

Or. fr

**Amendment 379**

**Jasenکو Selimovic, Dita Charanzová**

**Proposal for a regulation**

**Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 13**

**deleted**

***Review by the Court of Justice***

***The Court of Justice of the European Union shall have unlimited jurisdiction within the meaning of Article 261 TFEU to review fines or periodic penalty payments imposed by the Commission. It may cancel, reduce or increase the fine or periodic penalty payment imposed.***

Or. en

**Amendment 380**

**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**

**Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 13**

**deleted**

***Review by the Court of Justice***

***The Court of Justice of the European Union shall have unlimited jurisdiction within the meaning of Article 261 TFEU to review fines or periodic penalty payments imposed by the Commission. It may cancel, reduce or increase the fine or periodic penalty payment imposed.***

**Amendment 381**

**Virginie Rozière, Lucy Anderson, Marc Tarabella**

**Proposal for a regulation**

**Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 13**

***deleted***

***Review by the Court of Justice***

***The Court of Justice of the European Union shall have unlimited jurisdiction within the meaning of Article 261 TFEU to review fines or periodic penalty payments imposed by the Commission. It may cancel, reduce or increase the fine or periodic penalty payment imposed.***

Or. en

*Justification*

*Made unnecessary.*

**Amendment 382**

**Dennis de Jong**

**Proposal for a regulation**

**Article 13**

*Text proposed by the Commission*

*Amendment*

**Article 13**

***deleted***

***Review by the Court of Justice***

***The Court of Justice of the European Union shall have unlimited jurisdiction within the meaning of Article 261 TFEU to review fines or periodic penalty payments imposed by the Commission. It may cancel, reduce or increase the fine or periodic penalty payment imposed.***

**Amendment 383**

**Philippe Juvin**

**Proposal for a regulation**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

The Court of Justice of the European Union shall have unlimited jurisdiction within the meaning of Article 261 TFEU to review *fin****es or*** periodic penalty payments imposed by the Commission. It may cancel, reduce or increase the *fine or* periodic penalty payment imposed.

*Amendment*

The Court of Justice of the European Union shall have unlimited jurisdiction within the meaning of Article 261 TFEU to review periodic penalty payments imposed by the Commission. It may cancel, reduce or increase the periodic penalty payment imposed.

Or. fr

**Amendment 384**

**Igor Šoltes**

**Proposal for a regulation**

**Article 14 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***Any request for extension of a deadline may only be requested once by the recipient of a request for information.***

Or. en

**Amendment 385**

**Dennis de Jong**

**Proposal for a regulation**

**Article 15**

*Text proposed by the Commission*

*Amendment*

***Article 15***

***deleted***

***Publication of decisions***

**1.      *The Commission shall publish in the Official Journal of the European Union a summary notice of the decisions which it takes pursuant to Article 5(2). The summary notice shall state that a copy of the decision may be obtained in the authentic language version or versions.***

**2.      *The Commission shall publish in the Official Journal of the European Union the decisions which it takes pursuant to Article 9(1) and (2).***

Or. en

**Amendment 386**

**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation  
Article 15 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.      *The Commission shall publish in the Official Journal of the European Union the decisions which it takes pursuant to Article 9(1) and (2).***      *deleted*

Or. en

**Amendment 387**

**Jasenko Selimovic, Dita Charanzová**

**Proposal for a regulation  
Article 15 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2.      *The Commission shall publish in the Official Journal of the European Union the decisions which it takes pursuant to Article 9(1) and (2).***      *deleted*

Or. en

**Amendment 388**  
**Anna Maria Corazza Bildt**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. The Commission shall publish in the Official Journal of the European Union the decisions which it takes pursuant to Article **9(1) and (2)**.

*Amendment*

2. The Commission shall publish in the Official Journal of the European Union the decisions which it takes pursuant to Article **9(2)**.

Or. en

**Amendment 389**  
**Igor Šoltes**

**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

With regard to the processing of personal data within the framework of this Regulation, Member States shall carry out their tasks for the purposes of this Regulation in accordance with *the national laws, regulations or administrative provisions transposing Directive 95/46/EC*. With regard to the processing of personal data by the Commission within the framework of this Regulation, it shall comply with the provisions of Regulation (EC) No 45/2001.

*Amendment*

With regard to the processing of personal data within the framework of this Regulation, Member States shall carry out their tasks for the purposes of this Regulation in accordance with **Regulation (EU) 2016/679**. With regard to the processing of personal data by the Commission within the framework of this Regulation, it shall comply with the provisions of Regulation (EC) No 45/2001.

Or. en

**Amendment 390**  
**Richard Sulík, Edward Czesak, Daniel Dalton**

**Proposal for a regulation**  
**Article 17 – paragraph 1**

*Text proposed by the Commission*

With regard to the processing of personal data within the framework of this Regulation, Member States shall carry out their tasks for the purposes of this Regulation in accordance with the national laws, ***regulations or administrative provisions transposing Directive 95/46/EC***. With regard to the processing of personal data by the Commission within the framework of this Regulation, it shall comply with the provisions of Regulation (EC) No 45/2001.

*Amendment*

With regard to the processing of personal data within the framework of this Regulation, Member States shall carry out their tasks for the purposes of this Regulation, ***Regulation (EU) 2016/679<sup>1a</sup> and*** in accordance with the national laws ***implementing Regulation (EU) 2016/679***. With regard to the processing of personal data by the Commission within the framework of this Regulation, it shall comply with the provisions of Regulation (EC) No 45/2001.

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***<sup>1a</sup> Regulation (EU) 2016/679 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 (General Data Protection Regulation)***

Or. en

**Amendment 391**  
**Jiří Pospíšil**

**Proposal for a regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission, in the exercise of its powers under this Regulation, shall ensure a high level of cyber security and protection of data from misuse.***

Or. cs

**Amendment 392**  
**Eva Maydell**



**Proposal for a regulation**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

The Commission shall ***draw up*** a report ***every two years on*** the application of this Regulation ***and shall submit it to the European Parliament and to the Council.***

*Amendment*

***By ... [five years after the date of entry into force of this Regulation] and every five years thereafter,*** the Commission shall ***submit to the European Parliament and the Council*** a report ***assessing*** the application of this Regulation. ***In that report, the Commission shall review the overall impact of the Regulation as to the attainment of its objectives, the economic effects on the internal market, including the impact on, and costs for, undertakings, and issues related to the protection of personal data. The Commission shall assess the proportionality of use of the tool established by this Regulation with regard to the frequency of requests and the results delivered. If necessary, that report shall be accompanied by a legislative proposal for amendment of this Regulation.***

Or. en

**Amendment 393**  
**Evelyne Gebhardt**

**Proposal for a regulation**  
**Article 18 – paragraph 1**

*Text proposed by the Commission*

The Commission shall draw up a report every two years on the application of this Regulation and shall submit it to the European Parliament and to the Council.

*Amendment*

The Commission shall draw up a report every two years on the application of this Regulation and shall submit it to the European Parliament and to the Council. ***After five years, the Commission shall examine to what extent the instrument has been successful in averting or preventing threats to the internal market, to what extent undertakings have been able to circumvent the instrument and***

*what financial impact the instrument has on undertakings.*

Or. de

**Amendment 394**

**Jiří Pospíšil**

**Proposal for a regulation**

**Article 19 – paragraph 1**

*Text proposed by the Commission*

This Regulation shall enter into force on the *twentieth* day following that of its publication in the Official Journal of the European Union.

*Amendment*

This Regulation shall enter into force on the *121st* day following its publication in the Official Journal of the European Union.

Or. cs

**Amendment 395**

**Othmar Karas**

**Proposal for a regulation**

**Article 19 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*The Commission shall forward an evaluation report on the application of the Regulation to the European Parliament and the Council five years after the entry into force of this Regulation and every five years thereafter. The evaluation report shall assess the impact of the Regulation, the achievement of the objectives of the Regulation, the positive and negative economic impact on the internal market, the frequency of requests for information, the proportionality of the use of requests for information, the impact on and costs for undertakings and the protection of personal data collected by the requests for information from the Commission. Where appropriate, the report shall be accompanied by a proposal*

*for amendment of this Regulation.*

Or. de