



**2020/0374(COD)**

9.7.2021

# **AMENDMENTS**

## **569 - 876**

**Draft report**

**Andreas Schwab**

(PE692.792v01-00)

Contestable and fair markets in the digital sector (Digital Markets Act)

Proposal for a regulation

(COM(2020)0842 – C9-0419/2020 – 2020/0374(COD))



## Amendment 569

Alex Agius Saliba, Marc Angel

### Proposal for a regulation

#### Article 3 – paragraph 7

*Text proposed by the Commission*

7. For each gatekeeper identified pursuant to paragraph 4 or paragraph 6, the Commission shall identify the relevant undertaking to which it belongs and list the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users to reach end users as referred to in paragraph 1(b).

*Amendment*

7. For each gatekeeper identified pursuant to paragraph 4 or paragraph 6, the Commission shall, ***without undue delay and at the latest 60 days after receiving the complete information referred to in paragraph 3***, identify the relevant undertaking to which it belongs and list the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users to reach end users as referred to in paragraph 1(b).

Or. en

#### *Justification*

*The amendment aims to clarify and make clear that that the list of relevant core platform services for each gatekeeper is also determined within the 60-day deadline for designation of gatekeepers under Article 3(4).*

## Amendment 570

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 3 – paragraph 7

*Text proposed by the Commission*

7. For each gatekeeper identified pursuant to paragraph 4 or paragraph 6, the Commission shall identify the relevant undertaking to which it belongs and list the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users to reach end users as referred to in paragraph 1(b).

*Amendment*

7. For each gatekeeper identified pursuant to paragraph 4 or paragraph 6, the Commission shall identify ***within the deadline set under paragraph 4*** the relevant undertaking to which it belongs and list the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users ***and end users*** to reach end users as

referred to in paragraph 1(b).

Or. en

#### **Amendment 571**

**Evelyne Gebhardt, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

##### **Article 3 – paragraph 7**

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

7. For each gatekeeper ***identified*** pursuant to paragraph ***4 or*** paragraph 6, the Commission shall identify the relevant undertaking to which it belongs and list the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users to reach end users as referred to in paragraph 1(b).

###### *Amendment*

7. For each gatekeeper pursuant to paragraph ***1 or identified pursuant to*** paragraph 6, the Commission shall identify the relevant undertaking to which it belongs and list the relevant core platform services that are provided within that same undertaking and which individually serve as an important gateway for business users to reach end users as referred to in paragraph 1(b).

Or. en

#### **Amendment 572**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

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

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

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

###### *Amendment*

***7 a. When designating a gatekeeper, the Commission shall specify, under Article 7, which obligations are to be implemented by the gatekeeper, taking into account the business models of the gatekeeper concerned.***

Or. en

### Amendment 573

Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques

#### Proposal for a regulation

##### Article 3 – paragraph 8

*Text proposed by the Commission*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 **within six** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

*Amendment*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 **as soon as possible, and in any case no later than two** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article. ***If a gatekeeper fails to comply with the obligations within these 2 months, Articles 25 and 26 are applicable.***

Or. en

### Amendment 574

Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior

#### Proposal for a regulation

##### Article 3 – paragraph 8

*Text proposed by the Commission*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 **within** six months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

*Amendment*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 **and shall notify the Commission of the details of its compliance with those obligations as soon as possible, and in any case no later than** six months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

Or. en

### Amendment 575

Deirdre Clune

**Proposal for a regulation**  
**Article 3 – paragraph 8**

*Text proposed by the Commission*

8. The gatekeeper shall comply with the obligations laid down in **Articles 5 and 6** within six months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

*Amendment*

8. The gatekeeper shall comply with the obligations laid down in **Article 5** within six months after a core platform service has been included in the list pursuant to paragraph 7 of this Article. ***At the same time, the Commission may by decision impose obligations pursuant to Article 6.***

Or. en

*Justification*

*In order to ensure compliance with the obligations outlined in Article 6 regulatory dialogue under Article 7 may be required in certain circumstances*

**Amendment 576**  
**Jordi Cañas, Andrus Ansip**

**Proposal for a regulation**  
**Article 3 – paragraph 8**

*Text proposed by the Commission*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within six months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

*Amendment*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6, ***and notify the Commission of the terms of its compliance,*** within six months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

Or. en

**Amendment 577**  
**Alex Agius Saliba, Marc Angel**

**Proposal for a regulation**  
**Article 3 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within six months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6, **and notify the Commission of the terms of its compliance**, within six months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

Or. en

#### *Justification*

*The Commission should be able to open compliance proceedings in accordance with Article 18 within six months of a gatekeeper's failure to respect the deadline under Article 3(8) to comply with its obligations laid down in Articles 5 and 6. At this point, the Commission under the current proposal (see Article 7(3)) has the choice to take an Article 7(2) or Article 25 decision. Whichever route is followed, the Commission should be subject to binding deadlines to prevent gatekeepers from delaying compliance. In order to monitor and ensure that gatekeepers are complying with the obligations, the Commission should be informed of the terms of the gatekeepers' compliance.*

#### **Amendment 578**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

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

#### **Article 3 – paragraph 8**

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

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 **within six** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

##### *Amendment*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 **as soon as possible, and in any case no later than two** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

Or. en

#### **Amendment 579**

**Andreas Schwab**

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

#### **Article 3 – paragraph 8**

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

##### *Amendment*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 **within six** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 **as soon as possible and in any case no later than four** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

Or. en

#### **Amendment 580**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

#### **Proposal for a regulation** **Article 3 – paragraph 8**

*Text proposed by the Commission*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within **six** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

*Amendment*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within **three** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

Or. en

#### **Amendment 581**

**Andreas Schieder, Marc Angel, Alex Agius Saliba**

#### **Proposal for a regulation** **Article 3 – paragraph 8**

*Text proposed by the Commission*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within **six** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

*Amendment*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within **two** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

Or. en

#### *Justification*

*A shortening of the deadlines is necessary to speed up the designation procedure. The Commission proposal already foresees financial penalties in cases of non-compliance with*



*this directive. In case of systematic infringements of the DMA obligations by gatekeepers, additional remedies may be imposed on the gatekeepers after a market investigation. Such remedies will need to be proportionate to the offence committed. These can only come into effect, if providers are classified as gatekeepers. To be classified as such, the Commission needs for its evaluation the relevant information. Failing to provide these, has no consequences. Therefore, we suggest that reasonable periodic penalty payments pursuant to Article 27 should be enforced.*

## **Amendment 582**

**Martin Schirdewan, Anne-Sophie Pelletier**

### **Proposal for a regulation**

#### **Article 3 – paragraph 8**

*Text proposed by the Commission*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within **six** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

*Amendment*

8. The gatekeeper shall comply with the obligations laid down in Articles 5 and 6 within **two** months after a core platform service has been included in the list pursuant to paragraph 7 of this Article.

Or. en

## **Amendment 583**

**Alex Agius Saliba, Marc Angel, Maria Grapini**

### **Proposal for a regulation**

#### **Article 3 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8 a. Where a gatekeeper fails to comply with the deadline in paragraph 8, the Commission shall open proceedings pursuant to Article 18 without delay and at the latest within two months of that deadline.***

Or. en

*Justification*

*The Commission should be able to open compliance proceedings in accordance with Article 18 within six months of a gatekeeper's failure to respect the deadline under Article 3(8) to comply with its obligations laid down in Articles 5 and 6. At this point, the Commission under*

*the current proposal (see Article 7(3)) has the choice to take an Article 7(2) or Article 25 decision. Whichever route is followed, the Commission should be subject to binding deadlines to prevent gatekeepers from delaying compliance. In order to monitor and ensure that gatekeepers are complying with the obligations, the Commission should be informed of the terms of the gatekeepers' compliance.*

#### **Amendment 584**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior**

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

#### **Article 4 – paragraph 2 – introductory part**

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

2. The Commission shall regularly, and at least every 2 years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), or whether new providers of core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted.

##### *Amendment*

2. The Commission shall regularly, and at least every 2 years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), or whether new providers of core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted ***and if any business users, especially small and medium-sized enterprises or consumers, have been negatively impacted by the designation of a core platform service as a gatekeeper.***

Or. en

#### **Amendment 585**

**Andreas Schieder, Marc Angel, Alex Agius Saliba**

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

#### **Article 4 – paragraph 2 – introductory part**

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

2. The Commission shall regularly, and at least every 2 years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), ***or*** whether new providers of

##### *Amendment*

2. The Commission shall regularly, and at least every 2 years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1). ***Furthermore, the***

core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted.

***Commission shall regularly, and at least every 12 months, examine*** whether new providers of core platform services, ***regardless of their country of establishment,*** satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted.

Or. en

#### *Justification*

*: The Commission examines at least every 2 years whether a designated gatekeeper continues to satisfy these requirements. We welcome that, but suggest in a further way that new players, irrelevant of their country of establishment, should be examined in a shorter time period, such as no longer than one year to ensure that their potential entry into the European market does not suddenly disrupt the level playing field.*

#### **Amendment 586**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

#### **Article 4 – paragraph 2 – introductory part**

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

2. The Commission shall regularly, and at least every 2 years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), ***or*** whether new providers of core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted.

##### *Amendment*

2. The Commission shall regularly, and at least every 4 years, review whether the ***in line with Article 3 (6)*** designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), ***and at least every year*** whether new providers of core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted. ***The review shall not have any suspending effect on the obligations.***

Or. en

#### **Amendment 587**

**Pilar del Castillo Vera**

**Proposal for a regulation**

**Article 4 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Commission shall regularly, **and** at least every 2 years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), or whether new providers of core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted.

*Amendment*

2. The Commission shall regularly, at least every 2 years, **and at the request based on the first subparagraph of the designated gatekeeper**, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), or whether new providers of core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted.

Or. en

**Amendment 588**

**Adam Bielan, Eugen Jurzyca, Kosma Złotowski**

**Proposal for a regulation**

**Article 4 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The Commission shall regularly, and at least every 2 years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), or whether new providers of core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted.

*Amendment*

2. The Commission shall regularly, and at least every 2 years, review whether the designated gatekeepers continue to satisfy the requirements laid down in Article 3(1), or whether new providers of core platform services satisfy those requirements. The regular review shall also examine whether the list of affected core platform services of the gatekeeper needs to be adjusted, **in particular following any notification provided under Article 3(3)**.

Or. en

**Amendment 589**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

*Text proposed by the Commission*

Where the Commission, on the basis of that review pursuant to the first subparagraph, finds that the facts on which the designation of the providers of core platform services as gatekeepers was based, have changed, it shall adopt a corresponding decision.

*Amendment*

Where the Commission, on the basis of that review pursuant to the first subparagraph, finds that the facts on which the designation of the providers of core platform services as gatekeepers was based, have changed, it shall adopt a corresponding decision ***and shall be made public.***

Or. en

**Amendment 590**

**Andreas Schieder, Evelyne Gebhardt, Marc Angel, Sylvie Guillaume, Alex Agius Saliba**

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

3. The Commission shall publish and update the list of gatekeepers and the list of the core platform services for which they need to comply with the obligations laid down in Articles 5 and 6 on an on-going basis.

*Amendment*

3. The Commission shall publish and update the list of gatekeepers and the list of the core platform services for which they need to comply with the obligations laid down in Articles 5 and 6 on an on-going basis. ***To this end, the Commission should publish an annual report with findings of their monitoring activities and examinations, which is to be presented in front of and discussed with the European Parliament and the Union's Member States.***

Or. en

*Justification*

*Transparency is key. The findings, information and decisions made by the European Commission shall be presented and discussed with the European Parliament and the 27 Member States, in order to acknowledge and take into consideration Member States' national, regional and local requirements.*

## Amendment 591

**Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques, Biljana Borzan**

### Proposal for a regulation

#### Article 4 – paragraph 3

*Text proposed by the Commission*

3. The Commission shall publish and update the list of gatekeepers and the list of the core platform services for which they need to comply with the obligations laid down in Articles 5 and 6 on an on-going basis.

*Amendment*

3. The Commission shall publish and update the list of gatekeepers and the list of the core platform services for which they need to comply with the obligations laid down in Articles 5 and 6 on an on-going basis. ***The Commission shall publish an annual report setting out the findings of its monitoring activities and present it to the European Parliament and the Council of the European Union.***

Or. en

## Amendment 592

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle**

### Proposal for a regulation

#### Chapter III – title

*Text proposed by the Commission*

III ***In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:***

*Amendment*

III ***Contestability of markets and limits to certain unfair practices of gatekeepers***

Or. fr

## Amendment 593

**Andrea Caroppo, Salvatore De Meo**

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:

In respect of each of its core platform **and ancillary** services identified pursuant **respectively** to Article 3(7), **and Article 2(14)** a gatekeeper shall:

Or. en

**Amendment 594**  
**Vlad-Marius Botoș**

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

*Text proposed by the Commission*

*Amendment*

In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:

In respect of each of its core platform **and ancillary** services identified pursuant **respectively** to Article 3(7), **and Article 2(14)** a gatekeeper shall:

Or. en

**Amendment 595**  
**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Virginie Joron, Jean-Lin Lacapelle**  
on behalf of the ID Group  
**Christine Anderson**

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

*Text proposed by the Commission*

*Amendment*

In respect of each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall:

In respect of each of its core platform services **and ancillary services** identified pursuant to Article 3(7) **and Article 2 (1) (14) respectively**, a gatekeeper shall:

Or. en

**Amendment 596**  
**Deirdre Clune**

**Proposal for a regulation**

## Article 5 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

**(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679. ;**

**deleted**

Or. en

### *Justification*

*This obligation is likely to affect the different business models of many gatekeepers in different ways. In certain instances, complying with this obligation may require specification in order to facilitate compliance. Furthermore, it may not fully comply with GDPR, so therefore, it should be moved to Article 6.*

## **Amendment 597**

**Carlo Fidanza**

### **Proposal for a regulation**

## **Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679. ;

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679, **and provided that resulting data is made available by the gatekeeper to third parties that provide competing advertising services, and no data advantage would be conferred upon**



*the gatekeeper's own core platform services as a result ;*

Or. en

#### **Amendment 598**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

#### **Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, *unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679.* ;

*Amendment*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data *without prejudice to the disclosure of data to third parties that have been mandated by one or several business users to provide independent audience measurement in view of ensuring transparency over market shares and to uphold prevailing general and/or public interests and in accordance with the special rules and exemptions provided for these purposes.* ;

Or. en

#### *Justification*

*Gatekeeper platforms derive their market power from combining personal data disclosed by users that are forced to consume (or used to consuming) services within a platform's ecosystem. To effectively limit their market power, platforms must refrain from combining data altogether.*

#### **Amendment 599**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

#### **Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679. ;

*Amendment*

(a) refrain from combining ***and, or cross-using*** personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679. ***The specific choice shall not subvert or impair consumers' autonomy, decision-making, or choice via the structure, function or manner of operation of their online interface or any part thereof ;***

Or. en

**Amendment 600**  
**Clara Ponsatí Obiols**

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

*Text proposed by the Commission*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679. ;

*Amendment*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679, ***such choice must include the offering of a less personalised alternative and must be proactively presented to the end user in an explicit, clear and straightforward manner;***

Or. en

## Amendment 601

Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques

### Proposal for a regulation

#### Article 5 – paragraph 1 – point a

*Text proposed by the Commission*

(a) ***refrain from combining*** personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and ***from signing*** in end users to other services of the gatekeeper ***in order to combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679.*** ;

*Amendment*

(a) ***not combine*** personal data sourced from these core platform services with personal data from ***the same core platform service and*** any other services offered by the gatekeeper or with personal data from third-party services, and ***not sign*** in end users to other services of the gatekeeper;

Or. en

*Justification*

*This Amendment intends to impede business models that are based on the collection of users' personal data in view of the fact that the design makes it often too hard if not impossible to refuse consent.*

## Amendment 602

Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi

### Proposal for a regulation

#### Article 5 – paragraph 1 – point a

*Text proposed by the Commission*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, ***unless the end user has been presented with the specific choice***

*Amendment*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data.

*and provided consent in the sense of Regulation (EU) 2016/679. ;*

Or. en

### **Amendment 603**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

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

#### **Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, ***unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679. ;***

*Amendment*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data;

Or. en

### **Amendment 604**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

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

#### **Article 5 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, ***unless the end user has been presented with the specific choice and provided consent in the sense of***

*Amendment*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data.

**Amendment 605**  
**Andrey Kovatchev**

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

*Text proposed by the Commission*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, ***unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679. ;***

*Amendment*

(a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data,

**Amendment 606**  
**Alexandra Geese, Philippe Lamberts, Rasmus Andresen, Sven Giegold, Kim Van Sparrentak, David Cormand**

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

*Text proposed by the Commission*

*Amendment*

***(a a) refrain from delivering and displaying advertisement that is targeting or micro-targeting individuals or segments of individuals based on their behaviour, the tracking of their activities or on profiling within the meaning of Article 4(4) of Regulation (EU) 2016/679;***

## *Justification*

*In line with the IMCO INL (P9\_TA(2020)0272), paragraph 33 and JURI INL (P9\_TA(2020)0273) paragraph 17. The IMCO study published in June 2021 on online advertising has found that current targeted advertising practices are highly problematic. In addition, it found that “as harmful practices continue to evolve, they may work to impede some of the growth potential of the digital economy”. The control of large amounts of data is a huge competitive advantage in a data-based economy. Targeted advertisement is a highly concentrated market and the advertising system based on real-time-bidding (‘RTB’) leads to an exponential increase of user data controlled by certain gatekeepers. This goes far beyond normal network effects and distorts all markets for which data or sophisticated digital tools are relevant. Traditional media services and other market participants report shrinking advertising revenue. Advertisers are facing challenges regarding transparency of the value chain, the effectiveness of their advertising spending and compliance with their advertising guidelines. SMEs are particularly vulnerable because they can’t rely on fraud detection services. Fraudulent advertising practices are increasingly used in an anti-competitive way, such as fake clicks on competitors’ ads, impacting daily ad auction budgets, thereby capping the competitor’s potential market reach and brand awareness. Considering also the harmful societal impact of targeted advertising such as promoting the spread of disinformation and polarizing content it should be phased out in favour of contextual advertising models.*

### **Amendment 607**

**Virginie Joron, Alessandra Basso, Markus Buchheit, Isabella Tovaglieri, Jean-Lin Lacapelle**

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

##### **Article 5 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(a a) Any multinational gatekeeper wishing to continue operating in the internal market must establish itself in the European Union and develop local jobs.***

Or. fr

### **Amendment 608**

**Virginie Joron, Alessandra Basso, Markus Buchheit, Isabella Tovaglieri, Jean-Lin Lacapelle**

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

##### **Article 5 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

*(a b) The creation of local jobs shall be used by the competent national authorities and the Commission in the procedures to determine whether the gatekeepers have fulfilled their obligations.*

Or. fr

#### **Amendment 609**

**Alexandra Geese, Philippe Lamberts, Sven Giegold, Rasmus Andresen, Kim Van Sparrentak, David Cormand**

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

#### **Article 5 – paragraph 1 – point a b (new)**

*Text proposed by the Commission*

*Amendment*

*(a b) refrain from combining personal data for advertising purposes or purposes of behaviour prediction;*

Or. en

#### *Justification*

*Advanced targeting systems being developed by certain gatekeepers target groups of individuals rather than single persons. These systems would represent a competitive advantage for gatekeepers since they rely on large amounts of data that only gatekeepers can acquire. It is currently unclear whether these systems fall within the scope of GDPR. In order to avoid future unintended market distortion effects the combination of personal data originally relating to different persons or the combination of personal data needs to be prohibited.*

#### **Amendment 610**

**Geoffroy Didier**

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

#### **Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) allow business users to offer the same products or services **to end users** through **third party** online intermediation services **at** prices or conditions **that are different from** those offered **through the***

*(b) refrain from applying contractual obligations that prevent business users and suppliers from offering the same products or services or the direct online sales channels they own at prices or conditions*

online intermediation services *of the gatekeeper*;

*that are more favorable than those offered by the gatekeeper's online intermediation services and* to offer the same products or services *directly, without going* through online intermediation services, *at more favorable* prices or conditions *than* those offered *by the gatekeeper's* online intermediation services *or third parties*;

Or. en

## **Amendment 611**

**Alex Agius Saliba, Marc Angel**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) allow business users to offer the same products or services to end users ***through third party online intermediation services*** at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

*Amendment*

(b) allow business users to offer the same products or services to end users at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper ***through any other online services or direct sales channels, with due respect for the business users' freedom to manage and differentiate the products they offer.***

Or. en

#### *Justification*

*The current draft of this article requires gatekeepers to allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper. In other words, this Article prohibits some types of parity or so-called most favoured nation (MFN) clauses. It does not require gatekeepers to allow business users to offer different prices or conditions when the business user itself directly sells the product or service online. This can reduce consumer choice or increase prices and should therefore also be covered by Article 5 (b).*

## **Amendment 612**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

### **Proposal for a regulation**



## Article 5 – paragraph 1 – point b

*Text proposed by the Commission*

(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

*Amendment*

(b) allow business users to offer the same products or services to end users **by any other means, including** through third party online intermediation services **and through the business users' own direct online sales channels** at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. en

### Amendment 613

**Martin Schirdewan, Anne-Sophie Pelletier**

#### Proposal for a regulation

## Article 5 – paragraph 1 – point b

*Text proposed by the Commission*

(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

*Amendment*

(b) allow business users to offer the same products or services to end users through third party online intermediation services **and through own direct online sales channels of the business user** at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. en

### Amendment 614

**Ivan Štefanec**

#### Proposal for a regulation

## Article 5 – paragraph 1 – point b

*Text proposed by the Commission*

(b) allow business users to offer the same products or services to end users through third party online intermediation

*Amendment*

(b) allow business users to offer the same products or services to end users through third party online intermediation

services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

services **and through business users' own direct online sales channels** at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. en

*Justification*

*Online gatekeepers should be prevented from imposing narrow as well as wide MFN clauses on business users.*

**Amendment 615**

**Liesje Schreinemaker, Morten Løkkegaard**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

*Amendment*

(b) allow business users to offer the same products or services to end users through third party online intermediation services **or a direct business channel of the business user** at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. en

**Amendment 616**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 5 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the

*Amendment*

(b) allow business users to offer the same products or services to end users through third party online intermediation services **or through direct business channels** at prices or conditions that are

online intermediation services of the gatekeeper;

different from those offered through the online intermediation services of the gatekeeper;

Or. en

#### **Amendment 617**

**Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

##### **Article 5 – paragraph 1 – point b**

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

(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

###### *Amendment*

(b) allow business users to offer the same products or services to end users through third party online intermediation **services or its own online** services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. en

#### **Amendment 618**

**Tom Vandenkendelaere**

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

##### **Article 5 – paragraph 1 – point b**

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

(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

###### *Amendment*

(b) allow business users to offer the same products or services to end users **themselves or** through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. en

**Amendment 619**  
**Leszek Miller, Monika Beňová**

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

*Text proposed by the Commission*

(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

*Amendment*

(b) allow business users to offer the same products or services to end users ***themselves or*** through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. en

*Justification*

*This provision provides a right for business users to always offer its own products or services on third party intermediary services at other conditions. Nevertheless, business users must be able to offer the product or service at different prices or conditions on their own website as well. A limitation to "third party online intermediation services" is not sufficient. The amendment therefore clarifies this aspect.*

**Amendment 620**  
**Vlad-Marius Botoș, Andrus Ansip**

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

*Text proposed by the Commission*

(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

*Amendment*

(b) allow business users to offer the same products or services to end users ***themselves or*** through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. en

**Amendment 621**  
**Clara Ponsatí Obiols**

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

*Text proposed by the Commission*

(b) allow business users to offer the same products or services to end users through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

*Amendment*

(b) allow business users to offer the same products or services to end users **directly or** through third party online intermediation services at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper;

Or. en

**Amendment 622**  
**Adam Bielan, Kosma Złotowski**

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

*Text proposed by the Commission*

(c) ***allow business users to promote offers to end users acquired via the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and*** allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

*Amendment*

(c) allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

Or. en

**Amendment 623**  
**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior**

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

*Text proposed by the Commission*

(c) allow business users to promote offers to end users acquired via the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

*Amendment*

(c) allow business users to promote offers to ***or communicate with*** end users acquired via ***the core platform service, within or outside*** the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper, ***unless the gatekeeper can demonstrate that such access bypasses the security measures of the gatekeeper's core platform service;***

Or. en

**Amendment 624**  
**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

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

*Text proposed by the Commission*

(c) allow business users to promote offers ***to*** end users ***acquired via*** the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant

*Amendment*

(c) allow business users to promote offers ***or to otherwise communicate with*** end users ***within or outside*** the core platform service, and to conclude contracts with these end users ***or receive payments for services provided*** regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a

business user without using the core platform services of the gatekeeper;

business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

Or. en

**Amendment 625**  
**Antonius Manders**

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

*Text proposed by the Commission*

(c) allow business users to promote offers to end users acquired via the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

*Amendment*

(c) allow business users to promote **any** offers **within the core platform service or through other channels**, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

Or. en

**Amendment 626**  
**Tom Vandenkendelaere**

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

*Text proposed by the Commission*

(c) allow business users to **promote offers to** end users acquired via the core platform service, and to conclude contracts with these end users regardless of whether

*Amendment*

(c) allow business users to **communicate freely with** end users acquired via the core platform service, **to promote offers to these end users** and to

for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

Or. en

### **Amendment 627**

**Arba Kokalari**

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

#### **Article 5 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) allow business users to promote offers *to* end users *acquired via* the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

*Amendment*

(c) allow business users to promote offers *or otherwise communicate with* end users *within or outside* the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

Or. en

### **Amendment 628**

**Alex Agius Saliba, Maria Grapini**

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

#### **Article 5 – paragraph 1 – point c**



*Text proposed by the Commission*

(c) allow business users to promote offers to end users **acquired via** the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the **core platform** services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

*Amendment*

(c) allow business users to promote **any** offers to **or to communicate with** end users **within or outside** the core platform service, and to conclude contracts with these end users regardless of whether for that purpose they use the services of the gatekeeper or not, and allow end users to access and use, through the core platform services of the gatekeeper, content, subscriptions, features or other items by using the software application of a business user, where these items have been acquired by the end users from the relevant business user without using the core platform services of the gatekeeper;

Or. en

*Justification*

*Certain gatekeepers prohibit their business users from sending promotions or other communications, or from concluding contracts with their own customers by offering them a choice of payment methods. Such practice limits arbitrarily the communications between business users and the end-users of these businesses. There is no justification for having that relationship brokered by the gatekeeper, or to otherwise permit the gatekeeper to limit that relationship. Article 5(c) addresses this situation. However, limiting 5(c) to “promote offers” is too narrow to address the range of potential communications between a business user and its customers. Article 5(c) should therefore be extended to “communications” with end users (including promoting offers).*

**Amendment 629**

**Brando Benifei, Alex Agius Saliba**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(c a) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory**

*conditions to such ranking;*

Or. en

**Amendment 630**

**Pablo Arias Echeverría, Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(c a) assuring end users with high reliable information by providing business users with frameworks for offers presentation and content that are facilitating the display of accurate, clear, complete, easy comparable offers data;*

Or. en

**Amendment 631**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(c a) assuring end users with high reliable information by providing business users with frameworks for offers presentation and content that are facilitating the display of accurate, clear, complete, easy comparable offers data;*

Or. en

**Amendment 632**

**Marian-Jean Marinescu, Barbara Thaler**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

***(c b) assuring end users with high reliable information by providing business users with frameworks for offers presentation and content that are facilitating the display of accurate, clear, complete, easy comparable offers data;***

Or. en

### **Amendment 633**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

#### **Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) refrain from preventing or restricting business users from raising issues with any relevant public authority relating to any practice of gatekeepers;

(d) refrain from ***directly or indirectly*** preventing or restricting business users ***or supplier to the gatekeeper's ancillary service*** from raising issues with any relevant public authority ***or national court*** relating to any practice of gatekeepers;

Or. en

### **Amendment 634**

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle**

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

#### **Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) refrain from preventing or restricting business users from raising issues with any relevant public authority relating to any practice of gatekeepers;

(d) refrain from preventing or restricting business users, ***end users or whistleblowers*** from raising issues with any relevant public authority relating to any practice of gatekeepers, ***and also refrain from identifying them;***

Or. fr

### **Amendment 635**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

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

##### **Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) refrain from preventing or restricting business users from raising issues with any relevant public authority relating to any practice of gatekeepers;

*Amendment*

(d) refrain from preventing or restricting business users **or end user** from raising issues with any relevant public authority **or in front of national judiciary authority** relating to any practice of gatekeepers;

Or. en

### **Amendment 636**

**Leszek Miller, Marc Angel, Monika Beňová**

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

##### **Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) refrain from preventing or restricting business users from raising issues with any relevant public authority relating to any practice of gatekeepers;

*Amendment*

(d) refrain from **directly or indirectly** preventing or restricting business users from raising issues with any relevant public authority **or national court** relating to any practice of gatekeepers;

Or. en

#### *Justification*

*It is not enough for business users to be able to raise issues with relevant public authorities. Business users must also be allowed refer to the courts against gatekeepers' practices. Special termination clauses must also be covered.*

### **Amendment 637**

**Vlad-Marius Botoș**

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

##### **Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) refrain from preventing or restricting business users from raising issues with any relevant public authority relating to any practice of gatekeepers;

*Amendment*

(d) refrain from ***directly or indirectly*** preventing or restricting business users from raising issues with any relevant public authority ***or national court*** relating to any practice of gatekeepers;

Or. en

**Amendment 638**

**Clara Ponsatí Obiols**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) refrain from preventing or restricting business users from raising issues with any relevant public authority relating to any practice of gatekeepers;

*Amendment*

(d) refrain from preventing or restricting business ***users or end*** users from raising issues with any relevant public authority relating to any practice of gatekeepers;

Or. en

**Amendment 639**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) refrain from preventing or restricting business users from raising issues with any relevant public authority relating to any practice of gatekeepers;

*Amendment*

(d) refrain from preventing or restricting business ***or end*** users from raising issues with any relevant public authority relating to any practice of gatekeepers;

Or. en

**Amendment 640**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra**

**Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques, Biljana Borzan**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) ***refrain from preventing or restricting*** business users from raising issues with any relevant public authority relating to any practice of gatekeepers;

*Amendment*

(d) ***not prevent nor restrict*** business ***users not end*** users from raising issues with any relevant public authority relating to any practice of gatekeepers;

Or. en

**Amendment 641**

**Vlad-Marius Botoș**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

*Amendment*

(e) refrain from requiring business users to use, offer or interoperate with an identification service ***or any other ancillary service*** of the gatekeeper ***itself or third parties belonging to the same undertaking***; in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

**Amendment 642**

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the

*Amendment*

(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper ***or with a specific payment service (Visa,***

business users using the core platform services of that gatekeeper;

***Mastercard, payment service of the gatekeeper or other***) in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. fr

#### **Amendment 643**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi**

on behalf of the ID Group

**Christine Anderson**

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

##### **Article 5 – paragraph 1 – point e**

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

(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

###### *Amendment*

(e) refrain from requiring business users to use, offer or interoperate with an identification service ***or any other ancillary services*** of the gatekeeper ***itself or by any third party belonging to the same undertaking***, in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

#### **Amendment 644**

**Maria Grapini, Marc Angel, Paul Tang**

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

##### **Article 5 – paragraph 1 – point e**

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

(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

###### *Amendment*

(e) refrain from requiring business users to use, offer or interoperate with an identification service ***or any other ancillary service*** of the gatekeeper ***itself or third parties belonging to the same undertaking***, in the context of services offered by the business users using the core platform services of that gatekeeper;

*Justification*

*The obligation to refrain from requiring business users to use or offer gatekeeper identification services in the context of the services offered to end users should be extended to all ancillary services offered by the gatekeeper, including those offered by third parties belonging to the same undertaking.*

**Amendment 645**

**Andrea Caroppo, Salvatore De Meo**

**Proposal for a regulation****Article 5 – paragraph 1 – point e***Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

*Amendment*

(e) refrain from requiring business users to use, offer or interoperate with an identification service ***or any other ancillary service*** of the gatekeeper ***itself or third parties belonging to the same undertaking***; in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

**Amendment 646**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation****Article 5 – paragraph 1 – point e***Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

*Amendment*

(e) refrain from requiring business users ***and suppliers*** to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper ***or its other services***;

Or. en



#### **Amendment 647**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

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

#### **Article 5 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

*Amendment*

(e) refrain from requiring business **users or end** users to use, offer or interoperate with an identification service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

#### **Amendment 648**

**Alex Agius Saliba**

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

#### **Article 5 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) **refrain from requiring** business users to use, offer or interoperate with **an** identification **service** of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

*Amendment*

(e) **not require** business **users nor end** users to use, offer or interoperate with identification **or payment services** of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

#### **Amendment 649**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

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

#### **Article 5 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with **an identification service** of the gatekeeper in

*Amendment*

(e) refrain from requiring business users to use, offer or interoperate with **any ancillary services** of the gatekeeper in the

the context of services offered by the business users using the core platform services of that gatekeeper;

context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

#### **Amendment 650**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

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

#### **Article 5 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) refrain from requiring business users to use, offer or interoperate with ***an identification*** service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

(e) refrain from requiring business ***users or end*** users to use, offer or interoperate with ***any*** service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

#### **Amendment 651**

**Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

#### **Article 5 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) ***refrain from requiring*** business users to use, offer or interoperate with ***an identification service*** of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

(e) ***not require*** business ***users nor end ancillary services*** of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

#### **Amendment 652**

**Leszek Miller, Monika Beňová**

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

*Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with **an identification** service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

*Amendment*

(e) refrain from requiring business users to use, offer or interoperate with **any ancillary** service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

*Justification*

*Art. 5.1 e) constitutes a ban of a particular type of a tying, namely the tying of the intermediation service to the use of an identification service provided by the intermediary. While such prohibition makes sense, point e) is far too narrow and as such implies that any other form of tying by a gatekeeper is permissible. There is no reason why the tying of an intermediation service to an identification service shall be prohibited but the tying to another service of the gatekeeper shall be allowed. The negative effects are the same. It is necessary to transform lit. e) into a general ban of a tying of ancillary services to the intermediation service.*

**Amendment 653**  
**Clara Ponsatí Obiols**

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

*Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with **an identification** service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

*Amendment*

(e) refrain from requiring business users to use, offer or interoperate with **any ancillary** service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

**Amendment 654**  
**Martin Schirdewan, Anne-Sophie Pelletier**

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

*Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with an **identification** service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

*Amendment*

(e) refrain from requiring business users to use, offer or interoperate with an **ancillary** service of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

**Amendment 655**  
**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

(e) refrain from requiring business users to use, offer or interoperate with **an identification service** of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

*Amendment*

(e) refrain from requiring business users to use, offer or interoperate with **any ancillary** of the gatekeeper in the context of services offered by the business users using the core platform services of that gatekeeper;

Or. en

**Amendment 656**  
**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

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

*Text proposed by the Commission*

(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to access, sign up or register to any of their core platform

*Amendment*

(f) refrain from requiring business users or end users **in order to make use of or allow access to any of its core platform services to accept supplementary conditions or services that, by their nature or according to commercial usage, have no connection with and are not necessary**

services identified pursuant to that Article;

***for the provision of the relevant core platform service to its users, in particular*** to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;

Or. en

**Amendment 657**  
**Vlad-Marius Botoș**

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

*Text proposed by the Commission*

(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;

*Amendment*

(f) refrain from requiring business users or end users to ***use***, subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) ***or any other service offered by the gatekeeper*** as a condition to ***use***, access, sign up or register to any of their core platform services identified pursuant to that Article ***or to any other service offered by the gatekeeper***;

Or. en

**Amendment 658**  
**Carlo Fidanza**

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

*Text proposed by the Commission*

(f) refrain from requiring business users or end users to ***subscribe to or register with*** any other ***core platform services identified pursuant to Article 3 or***

*Amendment*

(f) refrain from requiring business users or end users to ***use*** any other ***gatekeeper product or service*** as a condition to ***using*** any of their core

*which meets the thresholds in Article 3(2)(b)* as a condition to *access, sign up or register to* any of their core platform services identified pursuant to *that* Article;

platform services identified pursuant to Article;

Or. en

**Amendment 659**  
**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;

*Amendment*

(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b), *or its other services*, as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article *or to any other service offered by the gatekeeper*;

Or. en

**Amendment 660**  
**Clara Ponsatí Obiols**

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

*Text proposed by the Commission*

(f) refrain from requiring business users or end users to subscribe to or register with any other *core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b)* as a condition to access, sign up or register to any of their core platform services identified pursuant to *that* Article;

*Amendment*

(f) refrain from requiring business users or end users to subscribe to or register with any other services as a condition to access, sign up or register to any of their core platform services identified pursuant to Article 3;

Or. en

## Amendment 661

Leszek Miller, Marc Angel, Monika Beňová

### Proposal for a regulation

#### Article 5 – paragraph 1 – point f

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

(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services identified pursuant to Article 3 or **which meets the thresholds in Article 3(2)(b)** as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;

##### *Amendment*

(f) refrain from requiring business users or end users to **use**, subscribe to or register with any other core platform services identified pursuant to Article 3 or **any other service offered by the gatekeeper** as a condition to **use**, access, sign up or register to any of their core platform services identified pursuant to that Article **or to any other service offered by the gatekeeper**;

Or. en

##### *Justification*

*This provision provides a prohibition of requiring business users or end users to also use any other core platform services as a condition to use one of the core platform services. However, the prohibition is limited to requiring that a business or end user “subscribes to” or “registers with” any other core platform service. Conversely, the requirement that the user merely “uses” this other service would not be prohibited. As outlined in relation to Article 5 lit e), there is no justification for allowing any bundling of services. Accordingly, the wording should cover any requirement to subscribe to, register with or use another service. Similarly, it is too narrow to prohibit only a requirement to use another gatekeeper service as defined in Article 3 DMA-E. Such prohibition would come too late to prevent such service from becoming dominant by means of the tying conduct. To ensure that the market for the other platform service remains contestable, a gatekeeper should be prohibited from any requirement to subscribe to, register with or use any of its other services, even if this service does not qualify as a gatekeeper service pursuant to Article 3 (yet). Akin to an outright prohibiting of the use of alternative services, a gatekeeper may also effectively prevent any switching by penalising a switch. In particular, a gatekeeper may seek to prevent any switching by deteriorating the quality of its intermediation service in case a business user or end user also uses another service.*

## Amendment 662

Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques

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

*Text proposed by the Commission*

(f) ***refrain from requiring*** business users or end users to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;

*Amendment*

(f) ***not require*** business users or end users to subscribe to or register with any other core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article ***nor achieving the same result through product design;***

Or. en

**Amendment 663**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

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

*Text proposed by the Commission*

(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services ***identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b)*** as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;

*Amendment*

(f) refrain from requiring business users or end users to subscribe to or register with any other core platform services ***or any ancillary service*** as a condition to access, sign up or register to any of their core platform services identified pursuant to that Article;

Or. en

**Amendment 664**

**Clara Ponsatí Obiols**

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

*Text proposed by the Commission*

*Amendment*

***(f a) refrain from requiring business***



*users or end users to subscribe to or register with any of their core platform services identified pursuant to Article 3 or which meets the thresholds in Article 3(2)(b) as a condition to access, sign up or register to any other service of theirs, unless such service is ancillary to those core platform services;*

Or. en

**Amendment 665**  
**Vlad-Marius Botoș, Andrus Ansip**

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

*Text proposed by the Commission*

*Amendment*

*(f a) a platform must refrain from requiring ‘the acceptance of supplementary conditions or services that, by their nature or according to commercial usage, have no connection with and are not necessary for the provision of the platform or services to its business users’.*

Or. en

**Amendment 666**  
**Maria Grapini, Marc Angel, Paul Tang**

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

*Text proposed by the Commission*

*Amendment*

*(f a) A platform must refrain from requiring ‘the acceptance of supplementary conditions or services that, by their nature or according to commercial usage, have no connection with and are not necessary for the provision of the platform or services to its business users’.*

*Justification*

*The DMA proposal currently covers the bundling practice whereby (business) users are required to register with one service in order to use another service. However, the DMA needs to tackle platforms' other unfair bundling practices. For example, business users may be required to offer their services on a subscription-based platform service in order to be able to offer their services on a free-to-use platform service. Users may be required to use a voice assistant offered by a gatekeeper platform in order to download an application. These practices are not covered by the current provisions in the DMA proposal.*

**Amendment 667****Geoffroy Didier, Nathalie Colin-Oesterlé****Proposal for a regulation****Article 5 – paragraph 1 – point f a (new)***Text proposed by the Commission**Amendment*

***(f a) A platform must refrain from requiring ‘the acceptance of supplementary conditions or services that, by their nature or according to commercial usage, have no connection with and are not necessary for the provision of the platform or services to its business users’.***

Or. en

*Justification*

*The DMA proposal currently covers the bundling practice whereby (business) users are required to register with one service in order to use another service. However, the DMA needs to tackle platforms' other unfair bundling practices. For example, business users may be required to offer their services on a subscription-based platform service in order to be able to offer their services on a free-to-use platform service. Users may be required to use a voice assistant offered by a gatekeeper platform in order to download an application. These practices are not covered by the current provisions in the DMA proposal.*

**Amendment 668****Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt****Proposal for a regulation****Article 5 – paragraph 1 – point f a (new)**

***(f a) refrain from the compulsion to use only one specific payment method or payment processor as a condition in order to make use of or allow access to any of its core platform services for business users;***

Or. en

## **Amendment 669**

**Carlo Fidanza**

### **Proposal for a regulation**

#### **Article 5 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) provide advertisers and publishers to which it supplies advertising services, ***upon their request, with*** information concerning the price paid by the advertiser and publisher, as well as the amount ***or*** remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

*Amendment*

(g) Provide ***individual*** advertisers and publishers to which it supplies advertising services, ***with free of charge, high-quality, granular, effective, continuous and real-time access, equivalent to that conferred upon the gatekeeper itself, to*** information ***on the visibility and availability of advertisement portfolio as well as pricing conditions concerning the bids placed by advertisers and advertising intermediaries,*** the price paid by the advertiser and publisher, as well as the amount ***and*** remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper, ***and on a basis that enables a clear understanding of the cost of the services provided and comparison against the cost of third-party services.***

Or. en

## **Amendment 670**

**Andreas Schwab**

### **Proposal for a regulation**

## Article 5 – paragraph 1 – point g

*Text proposed by the Commission*

(g) provide advertisers and publishers to which it supplies advertising services, ***upon their request***, with information concerning the price paid by the advertiser and publisher, as well as the amount ***or*** remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

*Amendment*

(g) provide ***individual*** advertisers and publishers to which it supplies advertising services, with ***free of charge, high-quality, effective, continuous and real-time access to*** information ***on the visibility and availability of advertisement portfolio as well pricing conditions*** concerning the ***bids placed by advertisers and advertising intermediaries***, the price ***and the fees*** paid by the advertiser and publisher, as well as the amount ***and*** remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper; ***provide as well the methodology used for the calculation of the fees.***

Or. en

## Amendment 671

Andrea Caroppo, Salvatore De Meo, Carlo Fidanza

### Proposal for a regulation

## Article 5 – paragraph 1 – point g

*Text proposed by the Commission*

(g) provide advertisers and publishers to which it supplies advertising services, ***upon their request***, with information concerning the price paid by the advertiser and publisher, ***as well as the amount or remuneration paid to the publisher***, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

*Amendment*

(g) provide ***individual*** advertisers and publishers to which it supplies advertising services, with ***free of charge, high-quality, effective, continuous and real-time access to*** information ***on the visibility and availability of advertisement portfolio as well as pricing conditions*** concerning ***the bids placed by advertisers and advertising intermediaries***, the price paid by the advertiser and publisher, ***and the methodology for the calculation of advertising intermediation fees and surcharges*** for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

Or. en

## Amendment 672

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

### Proposal for a regulation

#### Article 5 – paragraph 1 – point g

*Text proposed by the Commission*

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with information concerning ***the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.***

*Amendment*

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with ***complete*** information concerning:

Or. en

## Amendment 673

Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior

### Proposal for a regulation

#### Article 5 – paragraph 1 – point g

*Text proposed by the Commission*

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

*Amendment*

(g) provide ***individual*** advertisers and publishers to which it supplies advertising services, upon their request, with information ***on the visibility and availability of advertisement portfolio as well as pricing conditions*** concerning ***the bids placed by advertisers and advertising intermediaries***, the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

Or. en

#### Amendment 674

Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques

#### Proposal for a regulation

#### Article 5 – paragraph 1 – point g

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

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

##### *Amendment*

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with ***complete information concerning the price-setting mechanisms and schemes for the calculation of the fees as well as the price and fees*** paid by the advertiser and publisher, ***including any deductions and surcharges*** as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

Or. en

#### Amendment 675

Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi

#### Proposal for a regulation

#### Article 5 – paragraph 1 – point g

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

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

##### *Amendment*

(g) provide advertisers and publishers to which it supplies advertising services, upon their request ***and free of charge, with continuous, easy and real-time access*** with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper,

Or. en

**Amendment 676**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Virginie Joron, Jean-Lin Lacapelle**

on behalf of the ID Group

**Christine Anderson**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) ***provide advertisers and publishers to which it supplies advertising services, upon their request, with*** information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

*Amendment*

(g) ***regularly publishes*** information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

Or. en

**Amendment 677**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

*Amendment*

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with information concerning ***all non-price criteria in the auction process***, the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

Or. en

## Amendment 678

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 5 – paragraph 1 – point g

*Text proposed by the Commission*

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

*Amendment*

(g) provide advertisers and publishers to which it supplies **digital** advertising services **based on contextual information**, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

Or. en

## Amendment 679

**Leszek Miller, Monika Beňová**

### Proposal for a regulation

#### Article 5 – paragraph 1 – point g

*Text proposed by the Commission*

(g) provide advertisers and publishers to which it supplies advertising services, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

*Amendment*

(g) provide advertisers and publishers to which it supplies advertising services, **or third parties authorised by them**, upon their request, with information concerning the price paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given ad and for each of the relevant advertising services provided by the gatekeeper.

Or. en

## Amendment 680

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**



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

*Text proposed by the Commission*

*Amendment*

*i) the price and fees, including any deductions or surcharges, paid by the advertiser and publisher, as well as the amount or remuneration paid to the publisher, for the publishing of a given advertisement and for each of the relevant advertising services provided by the gatekeeper; and*

Or. en

**Amendment 681**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

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

*Text proposed by the Commission*

*Amendment*

*ii) the scheme for the calculation of the fees, and its application in relation to the respective bids submitted by the advertiser and publisher for each of the advertising services used.*

Or. en

**Amendment 682**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

*Amendment*

*(g a) Gatekeepers shall ensure that their terms and conditions with their business users and suppliers are transparent and fair (no disproportionate requirements for instance in terms of merchandise delivery conditions) and respect them. In case of*

*in breach of such terms and conditions, possible sanctions should only be allowed if they are formally justified and proportionate (e.g.: no excessive penalties in case of delays in delivery of goods). Gatekeepers should be required to answer requests from their business users and suppliers within a reasonable period of time and, in case they are actively targeting such business users and suppliers (existence of a local website in their country), they should answer in their local language. They shall provide for an internal system for handling the complaints of business users and suppliers.*

Or. en

**Amendment 683**

**Maria Grapini, Marc Angel, Paul Tang**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

*(g a) refrain from treating more favourably when ranking and/or displaying services and products offered by the provider of online search engines itself or by any third party belonging to the same undertaking compared to similar services or products of third parties and apply fair and non-discriminatory conditions to such ranking and displaying. The services and products offered by the provider of online search engines shall be treated on the same commercial and operational basis as similar services or products of third parties.*

Or. en

**Amendment 684**

**Brando Benifei, Alex Agius Saliba**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) refrain from imposing on end users software applications or services to be used on, or in conjunction with a core platform service, licensing conditions or economic terms that have the effect of limiting, to the benefit of the software applications or services offered by the gatekeeper, access or economic incentive for end users to use software applications or services on, or in conjunction with, alternative products or services than those of the gatekeeper.***

Or. en

**Amendment 685**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) in addition to the obligations pursuant to Regulation (EU)2019/1150, ensure that the full chronology of the contracts concluded between the gatekeeper and a business user as well as any corresponding terms and conditions is easily available to that business user at all stages of the commercial relationship, including for at least five years following the end of the relationship.***

Or. en

**Amendment 686**

**Leszek Miller, Maria Grapini, Monika Beňová**

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

*Text proposed by the Commission*

*Amendment*

***(g a) refrain from disclosing any commercially sensitive information obtained in connection with one of its advertising services to any third party belonging to the same undertaking and from using such commercially sensitive information for any purposes other than the provision of the specific advertising service unless this is necessary for carrying out a business transaction.***

Or. en

**Amendment 687**  
**Andrey Kovatchev**

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

*Text proposed by the Commission*

*Amendment*

***(g a) Refrain from disclosing any commercially sensitive information obtained in connection with one of its advertising services to any third party belonging to the same undertaking and from using such commercially sensitive information for any purposes other than the provision of the specific advertising service, unless this is necessary for carrying out a business transaction.***

Or. en

**Amendment 688**  
**Ivan Štefanec**

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

*Text proposed by the Commission*

*Amendment*

***(g a) ensure that business users have the possibility to opt-out of new, modified or updated terms and conditions requested by the core platform service provider if such modifications to the terms and conditions are not the result of an existing or new legal requirement, and remain listed on the core platform service without experiencing a reduced or downgraded level of service.***

Or. en

*Justification*

*Online gatekeepers will have significant discretionary power over business users if they are awarded the possibility to only provide aggregated data generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users*

#### **Amendment 689**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

**Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) Refrain from disclosing any commercially sensitive information obtained in connection with one of its advertising services to any third party belonging to the same undertaking and from using such commercially sensitive information for any purposes other than the provision of the specific advertising service unless this is necessary for carrying out a business transaction.***

Or. en

#### **Amendment 690**

**Vlad-Marius Botoș, Andrus Ansip**

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

*Text proposed by the Commission*

*Amendment*

***(g a) prioritize trustworthy sources, such as public authorities, scientific sources on their platforms and ancillary services that do not cater to special interests. Trustworthy sources are those that use technical standards established in a participatory and transparent manner, operating according to the highest, internationally recognized professional norms;***

Or. en

**Amendment 691**  
**Tom Vandenkendelaere**

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

*Text proposed by the Commission*

*Amendment*

***(g a) refrain from displaying in its online search engine, online social networking service or online intermediation service, in response to an end user query, advertising (including paid-for search results) or own services of the gatekeeper if the space occupied by such advertising or own services exceeds in total 25% of the first page the end user lands on;***

Or. en

**Amendment 692**  
**Dita Charanzová**

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

*Text proposed by the Commission*

*Amendment*

***A gatekeeper shall implement and adopt effective measures with its business partners to make sure that obligations in this article are effective even when it is a third party providing the final product to consumers and business users and such product includes a core service operated by the gatekeeper.***

Or. en

**Amendment 693**

**Evelyne Gebhardt, Josianne Cutajar, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Brando Benifei, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques, Sylvie Guillaume**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) not use, any data that has been generated in the relationship between business users and end users, and that is not also available to the business user itself; this includes not using such data to launch products or services that compete with the products or services offered by their business users;***

Or. en

*Justification*

*Gatekeepers obtain big amounts of data from their business users (and business users of end users) and thus get unparalleled market intelligence, which they can use to swiftly launch products or services that compete with the (most successful) products or services offered by their business users.*

**Amendment 694**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) not avail themselves of consent by way of derogation from Regulation (EU) 2016/679, as a legal ground for processing of personal data in order to target natural persons for purposes of digital advertising;***

Or. en

**Amendment 695**

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) not acquire directly or indirectly any undertaking in a killer acquisition.***

Or. fr

*Justification*

*"In the ten years leading up to 2020, Google, Apple, Facebook, Amazon and Microsoft (GAFAM) acquired more than 400 firms. (...) We find that half of the acquired apps (2015-2019) are discontinued." Source: Big tech acquisitions - towards empirical evidence. Pauline Affeldt and al. (11/02/2021)*

**Amendment 696**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) allow end users to un-install any pre-installed software applications on its operating system;***



**Amendment 697**  
**Antonius Manders, Axel Voss**

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

*Text proposed by the Commission*

*Amendment*

***(g a) refrain from setting their core platform services as default;***

Or. en

**Amendment 698**  
**Vlad-Marius Botoș**

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

*Text proposed by the Commission*

*Amendment*

***(g b) prioritize on their platforms and ancillary services providers of public interest journalism that shall be identified through voluntary, self-regulatory European standards or European standardization deliverables as defined by European law(‘technical standards’), which are transparently developed, governed and enforced. Any of those standards shall be based on internationally accepted best-practices and ethical norms to serve as legitimate criteria to implement the due prominence obligation. These technical standards must be attributed and disclosed by and to all parties involved.***

Or. en

**Amendment 699**  
**Martin Schirdewan, Anne-Sophie Pelletier**

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

*Text proposed by the Commission*

*Amendment*

***(g b) allow to un-install any pre-installed software applications or change default settings on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;***

Or. en

**Amendment 700**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

*Text proposed by the Commission*

*Amendment*

***(g b) not install any pre-installed software applications on its core platform service without prejudice to the possibility for a gatekeeper to do such pre-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;***

Or. en

**Amendment 701**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

**Karen Melchior, Yana Toom**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***(g b) allow end users, business users of number independent interpersonal communication services and social network services to access to and interoperate with the gatekeepers services by providing open standards, open protocols including Application Programming Interface.***

Or. en

**Amendment 702**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***(g b) allow Business Users or End Users to annually renew their consent to enroll or register for any of its essential platform services identified under section 3 and its other services, and in the absence of consent, promptly delete all Business User or End User data.***

Or. en

**Amendment 703**

**Brando Benifei, Alex Agius Saliba**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

***(g b) refrain from imposing ambiguous, unfair or discriminatory licensing***

*conditions on use of software applications or services that are used on, or in conjunction with, a core platform service.*

Or. en

**Amendment 704**

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g b (new)**

*Text proposed by the Commission*

*Amendment*

*(g b) refrain from retaliating against undertakings which submit complaints or comments to the competent authorities.*

Or. fr

**Amendment 705**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 5 – paragraph 1 – point g c (new)**

*Text proposed by the Commission*

*Amendment*

*(g c) refrain from using, in competition with business users, any data not publicly available, which is generated through activities by those business users, including by the end users of these business users, of its core platform services or provided by those business users of its core platform services or by the end users of these business users;*

Or. en

**Amendment 706**

**Virginie Joron, Alessandra Basso, Markus Buchheit, Isabella Tovaglieri, Jean-Lin Lacapelle**

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

*Text proposed by the Commission*

*Amendment*

***Gatekeepers shall report annually to the Commission the number of employees based in each Member State and the percentage of total global employees for each core platform service identified by this Regulation.***

Or. fr

*Justification*

*In the cultural context, the European Union has imposed an equivalent threshold of 30 % of European production (Netflix...)*

**Amendment 707**

**Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Brando Benifei, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

*Text proposed by the Commission*

*Amendment*

Obligations for gatekeepers susceptible of being further specified

Obligations for gatekeepers susceptible of being further ***technically*** specified

Or. en

**Amendment 708**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

*Text proposed by the Commission*

*Amendment*

***(a) refrain from using, in competition with business users, any data not publicly available, which is generated through activities by those business users, including by the end users of these***

***deleted***

*business users, of its core platform services or provided by those business users of its core platform services or by the end users of these business users;*

Or. en

*Justification*

*Moved to Article 5*

#### **Amendment 709**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

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

*Text proposed by the Commission*

*Amendment*

*(a) refrain from using, in competition with business users, any data not publicly available, which is generated through activities by those business users, including by the end users of these business users, of its core platform services or provided by those business users of its core platform services or by the end users of these business users;*

*deleted*

Or. en

*Justification*

*Moved to Article 5 as this prohibition does not require further technical specification.*

#### **Amendment 710**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

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

*Text proposed by the Commission*

*Amendment*

*(a) refrain from using, in competition with business users, any data **not publicly***

*(a) refrain from using, in competition with business users **and ancillary service***

available, which is generated through activities by those business users, including by the end users of these business users, of its core platform services or provided by those business users ***of its core platform services*** or by the end users of these business users;

***(notably distribution) suppliers***, any data ***non-publicly*** available, which is generated through activities by those business users, ***or suppliers, or their competitors***, including by the end users of these business users ***or their competitors***, of its core platform services or provided by those business users, ***or suppliers, or their competitors*** or by the end users of these business users ***or their competitors***;

Or. en

### Amendment 711

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

#### Proposal for a regulation

##### Article 6 – paragraph 1 – point a

*Text proposed by the Commission*

(a) refrain from using, ***in competition with business users, any data not publicly available, which*** is generated ***through activities by those business users, including by the end users of these business users, of its core platform services or provided by those*** business users ***of its core platform services or by the*** end users ***of these*** business users;

*Amendment*

(a) refrain from using ***data that*** is generated ***in the relationship between*** business users ***and*** end users, ***and that is not also available to the*** business user ***itself***;

Or. en

### Amendment 712

Leszek Miller, Monika Beňová

#### Proposal for a regulation

##### Article 6 – paragraph 1 – point a

*Text proposed by the Commission*

(a) refrain from using, in competition with business users, any data not publicly available, which is generated through activities by those business users, including by the end users of these business users, of

*Amendment*

(a) refrain from using, in competition with business users, any data not publicly available, which is generated through ***or in the context of*** activities by those business users ***or their competitors***, including by the

its core platform services or provided by those business users of its core platform services or by the end users of these business users;

end users of these business users ***or their competitors***, of its core platform services or provided by those business users of its core platform services or ***their competitors*** ***or*** by the end users of these business users ***or their competitors***;

Or. en

### **Amendment 713**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Virginie Joron, Jean-Lin Lacapelle**

on behalf of the ID Group

**Christine Anderson**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

(a) refrain from using, in competition with business users, any data not publicly available, which is generated through activities by those business users, including by the end users of these business users, of its core platform services or provided by those business users of its core platform services or by the end users of these business users;

*Amendment*

(a) refrain from using, ***directly or by any third party belonging to the same undertaking***, in competition with business users ***and providers of ancillary services***, any data not publicly available, which is generated through activities by those business users, including by the end users of these business users, of its core platform services or provided by those business users of its core platform services or by the end users of these business users;

Or. en

### **Amendment 714**

**Andrea Caroppo, Salvatore De Meo**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

(a) refrain from using, in competition with business users, any data not publicly available, which is generated through activities by those business users, including

*Amendment*

(a) refrain from using, ***directly or through third parties belonging to the same undertaking***, in competition with business users ***and ancillary service***



by the end users of these business users, of its core platform services or provided by those business users of its core platform services or by the end users of these business users;

*providers*, any data not publicly available, which is generated through activities by those business users, including by the end users of these business users, of its core platform services or provided by those business users of its core platform services or by the end users of these business users;

Or. en

## **Amendment 715**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

### **Proposal for a regulation**

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

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

(a) refrain from using, in competition with business users, any data not publicly available, which is generated through activities by those business users, including by the end users of these business users, of its core platform services or provided by those business users of its core platform services or by the end users of these business users;

##### *Amendment*

(a) refrain from using, in competition with business users, any data not publicly available, which is generated through ***or in the context of*** activities by those business users, including by the end users of these business users, of its core platform services or ***of its ancillary services or which is*** provided by those business users of its core platform services or ***its ancillary services*** or by the end users of these business users;

Or. en

## **Amendment 716**

**Clara Ponsatí Obiols**

### **Proposal for a regulation**

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

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

(a) refrain from using, ***in competition with business users***, any data not publicly available, which is generated through activities by ***those*** business users, including by the end users of these business users, of its core platform services or provided by ***those*** business users of its

##### *Amendment*

(a) refrain from using any data not publicly available, which is generated through activities by business users, including by the end users of these business users, of its core platform services or provided by business users of its core platform services or by the end users of

core platform services or by the end users of these business users;

these business users;

Or. en

**Amendment 717**  
**Deirdre Clune**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(a a) refrain from combining personal data sourced from these core platform services with personal data from any other services offered by the gatekeeper or with personal data from third-party services, and from signing in end users to other services of the gatekeeper in order to combine personal data, unless the end user has been presented with the specific choice and provided consent in the sense of Regulation (EU) 2016/679;*

Or. en

*Justification*

*Moved from Article 5*

**Amendment 718**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

*Text proposed by the Commission*

*Amendment*

*(b) allow end users to un-install any pre-installed software applications on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to*

*deleted*

*software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;*

Or. en

*Justification*

*Moved to Article 5 as this prohibition does not require further technical specification.*

#### **Amendment 719**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

**Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) allow end users to un-install any pre-installed software applications on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;*

*deleted*

Or. en

*Justification*

*Moved with changes to Article 5*

#### **Amendment 720**

**Geoffroy Didier**

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

**Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) allow end users to un-install any pre-installed software applications on its*

*(b) refrains from pre-installing any software applications in its essential*

*core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;*

*platform services ;*

Or. en

#### **Amendment 721**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

#### **Proposal for a regulation** **Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) allow end users to un-install any pre-installed software applications on its core platform service *without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;*

*Amendment*

(b) allow end users to un-install any pre-installed software applications on its core platform service;

Or. en

#### **Amendment 722**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

#### **Proposal for a regulation** **Article 6 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) allow end users to un-install any pre-installed software applications on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software

*Amendment*

(b) allow end users to un-install any pre-installed software applications on its core platform service *and refrain from exclusively enabling its own core platform services as default services when*

applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

***equivalent alternative services which perform the same function can be proposed***, without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

Or. en

#### **Amendment 723**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior**

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

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

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

(b) allow end users to un-install any pre-installed software applications on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

##### *Amendment*

(b) allow end users to un-install any pre-installed software applications, ***and delete the accompanying collected and stored data***, on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

Or. en

#### **Amendment 724**

**Leszek Miller, Monika Beňová**

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

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

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

(b) ***allow end users to un-install any***

##### *Amendment*

(b) ***refrain from pre-installing own***

*pre-installed software applications* on its core platform service without prejudice to the possibility for a gatekeeper to *restrict such un-installation in relation to software applications* that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

*services* on its core platform service without prejudice to the possibility for a gatekeeper to *such services* that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

Or. en

## Amendment 725

Jordi Cañas

### Proposal for a regulation

#### Article 6 – paragraph 1 – point b

*Text proposed by the Commission*

(b) allow end users to un-install any pre-installed software applications on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

*Amendment*

(b) allow end *users and business* users to un-install any pre-installed software applications on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that *the gatekeeper can prove* are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

Or. en

## Amendment 726

Deirdre Clune

### Proposal for a regulation

#### Article 6 – paragraph 1 – point b

*Text proposed by the Commission*

(b) allow end users to un-install any pre-installed software applications on its core platform service without prejudice to the possibility for a gatekeeper to restrict

*Amendment*

(b) allow end users to un-install *or remove* any pre-installed software applications on its core platform service without prejudice to the possibility for a

such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

gatekeeper to restrict such un-installation **or removal** in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

Or. en

*Justification*

*device neutrality is necessary but the obligation needs refinement to ensure effective functionality*

**Amendment 727**  
**Andrey Kovatchev**

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

*Text proposed by the Commission*

(b) **allow end users to un-install any pre-installed software applications** on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

*Amendment*

(b) **refrain from pre-installing own services** on its core platform service without prejudice to the possibility for a gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third-parties;

Or. en

**Amendment 728**  
**Jordi Cañas**

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

*Text proposed by the Commission*

(c) allow the installation and effective use of third party software applications or

*Amendment*

(c) allow the installation, **setting as default, by business users and end users,**

software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper;

and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall ***prompt the end user to decide whether the downloaded application or application store should become the default. The gatekeeper shall*** not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper ***where the gatekeeper can prove that such measures are necessary and justified and there are no less restrictive means to safeguard the integrity of the hardware or operating system;***

Or. en

#### **Amendment 729**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Maria Grapini, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

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

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

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating

##### *Amendment*

(c) allow the installation, ***default setting by business users and end users*** and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The ***end user shall be required to decide which application or application store should become the default. The*** gatekeeper shall not be prevented from



system provided by the gatekeeper;

taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper ***provided that the gatekeeper can prove that such measures are necessary, proportionate and justified to safeguard the integrity of the hardware or operating system;***

Or. en

### **Amendment 730**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

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

*Text proposed by the Commission*

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper;

*Amendment*

(c) allow ***and technically enable*** the installation and effective use ***and interoperability*** of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow ***and enable*** these software applications or software application stores ***or services*** to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores ***or services*** do not endanger the integrity of the hardware or operating system provided by the gatekeeper. ***This should be without prejudice to the role gatekeepers play in the fight against illegal content online;***

Or. en

### **Amendment 731**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

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

*Text proposed by the Commission*

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. ***The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper;***

*Amendment*

(c) allow the installation and effective use of third party software applications or software application stores ***or repositories*** using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores ***or repositories*** to be accessed by means other than the core platform services of that gatekeeper.

Or. en

**Amendment 732**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Virginie Joron, Jean-Lin Lacapelle**  
on behalf of the ID Group  
**Christine Anderson**

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

*Text proposed by the Commission*

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating

*Amendment*

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating

system provided by the gatekeeper;

system provided by the gatekeeper,  
*without prejudice to the freedom of consumers, duly informed, to choose the software application or software application stores they prefer;*

Or. en

#### **Amendment 733**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

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

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

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

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper;

##### *Amendment*

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper *or undermine the protection of user safety and data protection, provided that such measures are duly justified and proportionate;*

Or. en

#### **Amendment 734**

**Tom Vandenkendelaere**

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

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

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

##### *Amendment*

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate *measures* to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper;

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking *measures that are both necessary and proportionate, to protect the safety of the end user and* to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper, *when duly justified by the gatekeeper*;

Or. en

#### **Amendment 735**

**Leszek Miller, Monika Beňová**

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

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

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

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications *or* software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications *or* software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper;

##### *Amendment*

(c) allow *and technically enable* the installation and effective use *and interoperability* of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow *and enable* these software applications, software application stores *or services* to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications, software application stores *or services* do not endanger the integrity of the hardware or operating system provided by the gatekeeper;

Or. en

**Amendment 736**  
**Andrey Kovatchev**

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

*Text proposed by the Commission*

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper **and** allow these software applications **or** software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper;

*Amendment*

(c) allow **and technically enable** the installation and effective use **and interoperability** of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper, allow **and enable** these software applications, software application stores **or services** to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper shall not be prevented from taking proportionate measures to ensure that third party software applications or software application stores do not endanger the integrity of the hardware or operating system provided by the gatekeeper;

Or. en

**Amendment 737**  
**Deirdre Clune**

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

*Text proposed by the Commission*

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. The gatekeeper **shall not be prevented from taking proportionate measures to ensure that third party software**

*Amendment*

(c) allow the installation and effective use of third party software applications or software application stores using, or interoperating with, operating systems of that gatekeeper and allow these software applications or software application stores to be accessed by means other than the core platform services of that gatekeeper. **unless the gatekeeper can demonstrate that doing so would undermine or jeopardise user safety, data protection, or**

**applications or software application stores do not endanger** the integrity of the hardware or operating system provided by the gatekeeper;

the integrity of the hardware or operating system provided by the gatekeeper;

Or. en

*Justification*

*while the obligation is necessary it needs refinements to allow for possible unintended consequences in the form of safety and security dangers*

**Amendment 738**

**Brando Benifei, Alex Agius Saliba**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;**

**deleted**

Or. en

*Justification*

*Moved to article 5*

**Amendment 739**

**Antonius Manders, Axel Voss**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same**

**(d) refrain from treating more favourably in ranking *or display* services and products offered by the gatekeeper itself or by any third party belonging to the**

undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking; ***where a gatekeeper's online search engine results page includes the display of separate products or services, third parties shall be afforded equal opportunity to provide this product or services in exchange for remuneration; to avoid any conflicts of interest, the gatekeeper's product or service shall be treated as a separate commercial entity and shall be commercially viable as a stand-alone service; exclusionary agreements between gatekeepers should be forbidden; if the gatekeeper has a monopoly, it should be closely observed by and under the scrutiny of the European Network of Digital Regulators (Art. 31a);***

Or. en

**Amendment 740**  
**Dita Charanzová**

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

*Text proposed by the Commission*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

*Amendment*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking. ***The gatekeeper shall also refrain from favoring its additional services or products offered by the gatekeeper or by an third party belonging to the same undertaking compared to similar services or products of third party, or from discriminating third parties in anyway with unequal treatment on core services of the gatekeeper to similar services offered by the gatekeeper or an entity***

*belonging to the same undertaking;*

Or. en

#### **Amendment 741**

**Maria Grapini, Marc Angel, Paul Tang**

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

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

*Text proposed by the Commission*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such **ranking**;

*Amendment*

(d) refrain from treating more favourably in ranking **and other settings, as well as in access to and conditions for the use of services, functionalities or technical interfaces, core platform and ancillary** services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such **practices**;

Or. en

#### *Justification*

*The DMA proposal limits the prohibition of self-preferencing to ranking. However, the DMA must be technology-neutral and reflect the fact that self-preferencing may take various forms. For example, a voice assistant does not give ‘relative prominence’ to various services; they deliver only one result in response to a user’s query. The P2B Regulation adopts a technology-neutral approach by referring to various types of self-preferencing, including ‘ranking and other settings’ and ‘access to and conditions for the use of services, functionalities or technical interfaces. Following the same approach in the DMA would help cover practices such as self-preferencing through the use of default settings and, in the longer term enable authorities to better adapt to fast-moving digital markets. Furthermore, the obligation for gatekeepers to refrain from treating more favourably their services or products and other settings should be extended to ancillary services.*

#### **Amendment 742**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume**

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

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



*Text proposed by the Commission*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party ***belonging to the same undertaking*** compared to similar services or products of ***third party*** and apply fair and non-discriminatory conditions to such ***ranking***;

*Amendment*

(d) refrain from ***embedding or*** treating more favourably in ranking ***and other settings, as well as in access to and conditions for the use of services, functionalities or technical interfaces,*** services and products offered by the gatekeeper itself or by any third party compared to similar services or products of ***other parties*** and apply fair, ***reasonable*** and non-discriminatory conditions to such ***practices or settings***;

Or. en

**Amendment 743**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d**

*Text proposed by the Commission*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

*Amendment*

(d) refrain from treating ***differently or*** more favourably in ranking, ***display, installation, activation, or default settings,*** services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking, ***display, installation, activation and default settings***;

Or. en

**Amendment 744**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party **belonging to the same undertaking** compared to similar services or products of **third party** and apply fair and non-discriminatory conditions to such **ranking**;

(d) refrain from treating more favourably in ranking **and other settings, as well as in access to and conditions for the use of services, functionalities or technical interfaces**, services and products offered by the gatekeeper itself or by any third party compared to similar services or products of **other parties**, and apply fair and non-discriminatory conditions to such **practices**.

Or. en

*Justification*

*The DMA proposal limits the prohibition of self-preferencing to ranking. However, the DMA must be technology-neutral and reflect the fact that self-preferencing may take various forms. For example, a voice assistant does not give ‘relative prominence’ to various services; they deliver only one result in response to a user’s query. The P2B Regulation adopts a technology-neutral approach by referring to various types of self-preferencing, including ‘ranking and other settings’ and ‘access to and conditions for the use of services, functionalities or technical interfaces. Following the same approach in the DMA would help cover practices such as self-preferencing through the use of default settings and, in the longer term enable authorities to better adapt to fast-moving digital markets.*

**Amendment 745**

**Vlad-Marius Botoș, Andrus Ansip**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third **party** and apply fair and non-discriminatory conditions to such ranking;

(d) refrain from **embedding or** treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third **parties** and apply fair and non-discriminatory conditions to such ranking;

Or. en

#### Amendment 746

Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior

#### Proposal for a regulation

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

*Text proposed by the Commission*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

*Amendment*

(d) refrain from ***harming competition by embedding or treating, in an unjustified, abusive or harmful manner,*** more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

Or. en

#### Amendment 747

Adriana Maldonado López, Clara Aguilera

#### Proposal for a regulation

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

*Text proposed by the Commission*

(d) ***refrain*** from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party ***and apply*** fair and non-discriminatory conditions to such ranking;

*Amendment*

(d) ***(d) be banned*** from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking ***in any core platform service*** compared to similar services or products of third party ***in order to ensure the application of*** fair and non-discriminatory conditions to such ranking;

Or. es

#### Amendment 748

Evžen Tošenovský

#### Proposal for a regulation

## Article 6 – paragraph 1 – point d

*Text proposed by the Commission*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party ***belonging to the same undertaking*** compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

*Amendment*

(d) refrain from ***embedding or*** treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

Or. en

### Amendment 749

**Andrea Caroppo, Salvatore De Meo**

#### Proposal for a regulation

## Article 6 – paragraph 1 – point d

*Text proposed by the Commission*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

*Amendment*

(d) refrain from treating more favourably in ranking ***core platform and ancillary*** services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

Or. en

### Amendment 750

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Virginie Joron, Jean-Lin Lacapelle**  
on behalf of the ID Group  
**Christine Anderson**

#### Proposal for a regulation

## Article 6 – paragraph 1 – point d

*Text proposed by the Commission*

(d) refrain from treating more

*Amendment*

(d) refrain from treating more

favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

favourably in ranking services, **both basic and ancillary**, and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party and apply fair and non-discriminatory conditions to such ranking;

Or. en

**Amendment 751**  
**Deirdre Clune**

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

*Text proposed by the Commission*

*Amendment*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of third party **and apply fair and non-discriminatory conditions to such ranking**;

(d) refrain from treating, **without justification**, more favourably in ranking services and products offered by the gatekeeper itself or by any third party belonging to the same undertaking compared to similar services or products of a third party **in a discriminatory and disproportionate manner**;

Or. en

*Justification*

*This obligation has to be proportionate and platforms should not be precluded from engaging in legitimate differentiation that could benefits consumers and actually increase consumer welfare.*

**Amendment 752**

**Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

*Text proposed by the Commission*

*Amendment*

(d) **refrain from treating** more

(d) **not treat** more favourably services,

favourably *in ranking* services *and* products offered by the gatekeeper itself or by any third party *belonging to the same undertaking* compared to similar services or products of third party and apply fair and non-discriminatory conditions to such *ranking*;

products *and settings* offered by the gatekeeper itself or by any third party compared to similar services or products of third party and apply *transparent*, fair and non-discriminatory conditions to such *third party services and products*;

Or. en

#### **Amendment 753**

**Leszek Miller, Monika Beňová**

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

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

*Text proposed by the Commission*

(d) refrain from treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party *belonging to the same undertaking* compared to similar services or products of third *party* and apply fair and non-discriminatory conditions to such ranking;

*Amendment*

(d) refrain from *embedding or* treating more favourably in ranking services and products offered by the gatekeeper itself or by any third party compared to similar services or products of third *parties* and apply fair and non-discriminatory conditions to such ranking;

Or. en

#### **Amendment 754**

**Andrey Kovatchev**

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

#### **Article 6 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(d a) refrain from displaying - in its online search engine, online social networking service or online intermediation service - in response to an end user query, advertising (including paid-for search results) or own services of the gatekeeper, if the space occupied by such advertising or own services exceeds 25% in total of the initial result*

*screen visible on the end user's terminal  
(mobile, tablet, desktop or other);*

Or. en

**Amendment 755**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(d a) refrain from displaying, in its online search engine, online social networking service or online intermediation service, in response to an end user query, advertising (including paid-for search results) or own services of the gatekeeper if the space occupied by such advertising or own services exceeds in total 25% of the initial result screen visible on the end user's terminal (mobile, tablet, desktop or other);*

Or. en

**Amendment 756**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(d a) ensure that algorithms that determine the ranking of products and services are fair and transparent, and that the ranking of any content in online platforms incorporating voice assistant technologies must accurately and impartially reflect users' voice requests;*

Or. en

**Amendment 757**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(d a) refrain from treating more favourably in search results any sponsored or paid for online intermediation services as compared to organic, purely relevance-based online intermediation services;***

Or. en

**Amendment 758**

**Leszek Miller, Monika Beňová**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(d a) refrain from applying bias in the display or functioning of interfaces of its core platform services that promote the use of other services of the gatekeeper;***

Or. en

**Amendment 759**

**Geoffroy Didier**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

***(d b) refrain from treating more favourably in ranking advertising compared to organic results;***

Or. en



## Amendment 760

Geoffroy Didier, Nathalie Colin-Oesterlé

### Proposal for a regulation

#### Article 6 – paragraph 1 – point e

*Text proposed by the Commission*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different **software applications and** services to be accessed using the **operating system** of the gatekeeper, including as regards the choice of Internet access provider for end users;

*Amendment*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different **online content or** services to be accessed using the **core platform service** of the gatekeeper, including as regards the choice of Internet access provider for end users. ***In connection with the protection of end-users' terminal equipment during the use of the operating system of the gatekeeper, the gatekeeper shall ensure that consent directly expressed by an end-user to a service provider prevails over software settings. Any consent requested and given by an end-user to a service shall be directly implemented, without any further delay, by the applications of the end user's terminal equipment. The same shall apply if the storage of information or the access of information already stored in the end-user's terminal equipment is permitted in any other legal basis than consent,***

Or. en

#### *Justification*

*In the events of recent months Google and Apple decided to end support of third-party cookies in Chrome and Safari browsers without any interaction with publishers or advertising system providers. While this step is purposefully presented as a step necessary to protect the privacy of internet users, it is clear that from such decisions only Google and Apple will benefit, as owners of web browser gateways and first party cookie providers, at the expense of competing service providers.*

## Amendment 761

Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi

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

*Text proposed by the Commission*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access provider for end users;

*Amendment*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system ***or the cloud computing services*** of the gatekeeper, including as regards the choice of Internet access provider for end users, ***or using its virtual assistant***;

Or. en

**Amendment 762**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior**

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

*Text proposed by the Commission*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access provider for end users;

*Amendment*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access provider for end users, ***or using its virtual assistant***;

Or. en

**Amendment 763**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

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

*Text proposed by the Commission*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services ***to be accessed using the operating system of the gatekeeper***, including as regards the choice of Internet access provider for end users;

*Amendment*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different software applications and services, including as regards the choice of Internet access provider for end users;

Or. en

**Amendment 764**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) refrain from technically ***restricting the ability of*** end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access provider for end users;

*Amendment*

(e) refrain from technically ***and non-technical tactics to restrict*** end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access provider for end users;

Or. en

**Amendment 765**

**Leszek Miller, Monika Beňová**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different ***software applications and*** services to be accessed using the ***operating system*** of the gatekeeper, including as regards the choice of Internet access provider for end users;

*Amendment*

(e) refrain from technically restricting the ability of end users to switch between and subscribe to different ***online content or*** services to be accessed using the ***core platform service*** of the gatekeeper, including as regards the choice of Internet access provider for end users;

**Amendment 766**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Brando Benifei, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point e**

*Text proposed by the Commission*

(e) ***refrain from*** technically ***restricting*** the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access provider for end users;

*Amendment*

(e) ***not*** technically ***restrict*** the ability of end users to switch between and subscribe to different software applications and services to be accessed using the operating system of the gatekeeper, including as regards the choice of Internet access provider for end users;

Or. en

**Amendment 767**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(e a) allow business users to promote offers including under different conditions to end users acquired via the core platform service or through other channels, and to conclude contracts with these end users regardless of whether for that purpose they use the core platform services of the gatekeeper or not;***

Or. en

**Amendment 768**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;

*Amendment*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ***core platform or ancillary services. Allow the supply of content exclusively in an open format upon content suppliers' request. Allow the proper functioning of technological protection measures (TPMs) in cases these are used to manage the rights of the user. However the gatekeeper should ensure that TPMs linked to a file are not solely compliant with a single reading environment. In this case, other suppliers of files and reading service providers should have the possibility to require gatekeepers to provide the information that is necessary for the purpose of interoperability;***

Or. en

**Amendment 769**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

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

*Text proposed by the Commission*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;

*Amendment*

(f) allow business users, ***end-users*** and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services. ***The gatekeeper shall not be prevented from taking justified, non-discriminatory and proportionate measures to ensure that third party***

*ancillary services do not endanger user safety, data protection, or the functionality and integrity of the operating system or hardware;*

Or. en

#### **Amendment 770**

**Adam Bielan, Eugen Jurzyca, Kosma Złotowski**

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

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

*Text proposed by the Commission*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;

*Amendment*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services, ***where such interoperability does not present a disproportionate technical obstacle nor impedes legitimate product development, quality or functionality improvements, maintenance or improvement of system integrity or ensuring user safety or security;***

Or. en

#### **Amendment 771**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

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

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

*Text proposed by the Commission*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;

*Amendment*

(f) allow business ***users, end*** users and providers of ancillary services ***a free of charge*** access to and interoperability with the same operating system, hardware or software features, that are available or used in the provision by the gatekeeper of any ancillary services ***or industry-standard***

*features of its core platform services; in such cases, access and interoperability conditions shall be fair, reasonable and non-discriminator;*

Or. en

**Amendment 772**  
**Deirdre Clune**

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

*Text proposed by the Commission*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;

*Amendment*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services ***unless the gatekeeper is in a position to demonstrate that doing so would compromise their efforts to protect user safety, data protection, or the integrity of their hardware;***

Or. en

*Justification*

*Achieving interoperability is important to improve contestability but it should not compromise security or product safety nor should it prevent improvements being made in products and services*

**Amendment 773**  
**Andreas Schwab**

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

*Text proposed by the Commission*

(f) allow business users and providers of ancillary services access to ***and interoperability with*** the same operating

*Amendment*

(f) allow business users and providers of ancillary services access to the same operating system, hardware or software

system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;

features that are available or used in the provision by the gatekeeper of any ancillary services; ***allow business users and providers of ancillary services to interoperate with the gatekeeper core platform service in a functionally equivalent manner as the gatekeepers own products or services;***

Or. en

#### **Amendment 774**

**Evelyne Gebhardt, Alex Agius Saliba, Maria Grapini, Marc Angel, Brando Benifei, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

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

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

(f) allow business users and providers of ***ancillary*** services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ***ancillary*** services;

##### *Amendment*

(f) allow business ***users, end*** users and providers of services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ***of those*** services ***while guaranteeing a high level of security and personal data protection;***

Or. en

##### *Justification*

*Interoperability can have a direct positive impact on contestability, fairness on the market and consumer welfare significantly reducing barriers to entry, as it would grant competitors access to existing networks and allow them to participate therein.*

#### **Amendment 775**

**Clara Ponsatí Obiols**

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

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

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

##### *Amendment*



(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;

(f) allow business **users, end** users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services **or industry-standard features of its core platform services**;

Or. en

#### **Amendment 776**

**Martin Schirdewan, Anne-Sophie Pelletier**

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

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

*Text proposed by the Commission*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;

*Amendment*

(f) allow business **users, end** users and providers of ancillary **or core** services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary **or core** services;

Or. en

#### **Amendment 777**

**Andrey Kovatchev**

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

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

*Text proposed by the Commission*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any ancillary services;

*Amendment*

(f) allow business users and providers of ancillary services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any **core platform or** ancillary services;

Or. en

**Amendment 778**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group  
**Karen Melchior, Yana Toom**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) allow business users and providers of **ancillary** services access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any **ancillary** services;

*Amendment*

(f) allow business **users, end** users and providers of services **free of charge** access to and interoperability with the same operating system, hardware or software features that are available or used in the provision by the gatekeeper of any services;

Or. en

**Amendment 779**

**Geoffroy Didier, Nathalie Colin-Oesterlé**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(f a) Allow end users of technologically protected digital content or digital service, legally acquired through third party services, access to and interoperability with the hardware or software features that are used by that gatekeeper when providing a similar technologically protected digital content or digital service; and allow end users of technologically protected digital content or digital service acquired through that gatekeeper access to and interoperability with the hardware or software features that are used by third party when providing a similar technologically protected digital content or digital service. Gatekeepers' suppliers, as well as third-party hardware providers should have the possibility to require***

*gatekeepers to provide the necessary interoperability information to comply with the purpose of this Regulation;*

Or. en

**Amendment 780**

**Leszek Miller, Maria Grapini, Monika Beňová**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(f a) provide the information to allow third-party operating systems, software applications or ancillary services to interoperate with the gatekeeper's core platform services by making the core platform service's features and functionality available to the fullest extent as technically supported by the core platform service, for use with the third-party software application or service;*

Or. en

**Amendment 781**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(g) provide advertisers and publishers, upon their request and free of charge, with access to *the performance* measuring tools of the gatekeeper and *the* information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;

(g) provide advertisers and publishers, upon their request and free of charge, with access to *any intermediation* measuring tools of the gatekeeper and *provide for complete disclosure of and transparency in respect of the parameters and data used for decision making, execution and measurement of the intermediation services, in particular with regard to the ad inventory and services owned by the gatekeeper in relation to the ad inventory*

*and intermediation services owned by other publishers or service providers connected with the gatekeeper's platform either on the buy-side or the sell-side. A gatekeeper shall further provide, free of charge, complete information, data and technical interfaces necessary for advertisers and publishers or third parties with a legitimate interest, including authorised organisations by advertisers or publishers, to carry out their own independent, effective, high-quality, continuous and real-time evaluation of intermediation services provided by the gatekeeper, including but not limited to verification of the ad inventory, attribution and performance measurement,*

Or. en

## Amendment 782

Leszek Miller, Monika Beňová

### Proposal for a regulation

#### Article 6 – paragraph 1 – point g

*Text proposed by the Commission*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and **publishers** to carry out their own independent verification of the ad inventory;

*Amendment*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper, and the information necessary for advertisers and **publisher** to carry out their own independent verification of the ad inventory **and continuous and real-time access via high-quality application programming interfaces to the data necessary for advertisers and publishers to run their own or third-party verification and measurement tools to measure the performance of the gatekeeper's intermediation services and the performance of an ad;**

Or. en

**Amendment 783**  
**Andrey Kovatchev**

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

*Text proposed by the Commission*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper **and** the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;

*Amendment*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper, the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory **and continuous and real-time access via high-quality application programming interfaces to the data necessary for advertisers and publishers to run their own or third-party verification and measurement tools to measure the performance of the gatekeeper's intermediation services and the performance of an ad;**

Or. en

**Amendment 784**  
**Geoffroy Didier**

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

*Text proposed by the Commission*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper **and** the information necessary for advertisers and **publishers** to carry out their own independent verification of the ad inventory;

*Amendment*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper, the information necessary for advertisers and **publisher** to carry out their own independent verification of the ad inventory **and continuous and real-time access via high-quality application programming interfaces to the data necessary for advertisers and publishers to run their own or third-party verification and measurement tools to measure the**

*performance of the gatekeeper's  
intermediation services and the  
performance of an ad;*

Or. en

#### **Amendment 785**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Maria Grapini, Marc Angel, Brando Benifei, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

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

*Text proposed by the Commission*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;

*Amendment*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper and ***provide for entire disclosure and transparency of the parameters and data used for decision making, execution and measurement of the intermediation services. A gatekeeper shall further provide, free of charge, complete and*** the information necessary for advertisers and publishers to carry out their own independent ***high-quality and real-time evaluation of intermediation services, including*** verification of the ad inventory;

Or. en

#### **Amendment 786**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior**

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

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

*Text proposed by the Commission*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools

*Amendment*

(g) provide ***advertisers and publishers, or third parties authorised by*** advertisers and publishers, upon their request and free

of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;

of charge, with access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory, ***including aggregated data and performance data in a manner that would allow advertisers and publishers to run their own verification and measurement tools to assess performance of the core services provided for by the gatekeepers;***

Or. en

### **Amendment 787**

**Carlo Fidanza**

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

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

*Text proposed by the Commission*

(g) provide ***advertisers and*** publishers, upon their request and free of charge, with access to the ***performance measuring tools of the gatekeeper and the information necessary for*** advertisers ***and*** publishers to carry out their own independent verification of the ad inventory;

*Amendment*

(g) Provide ***advertiser sand*** publishers, ***and/or their designated third-party advertising technology vendors***, upon their request and free of charge, with access to the ***same granular data accessible to the gatekeeper, for the measurement and verification of advertising,[1] in a format that is reconcilable with equivalent data from other sources, to enable*** advertisers, publishers ***and/or their third-party advertising technology vendors*** to carry out their own independent ***measurement and*** verification of the ad inventory;

Or. en

### **Amendment 788**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**

on behalf of the Verts/ALE Group

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

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

*Text proposed by the Commission*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;

*Amendment*

(g) provide advertisers and publishers, upon their request and free of charge, with access to the performance measuring tools of the gatekeeper ***for the purpose of digital advertising based on contextual information*** and the information necessary for advertisers and publishers to carry out their own independent verification of the ad inventory;

Or. en

**Amendment 789**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point g**

*Text proposed by the Commission*

(g) provide advertisers ***and*** publishers, ***upon their request*** and free of charge, with access to the performance measuring tools of the gatekeeper and ***the information*** necessary for advertisers ***and*** publishers to carry out their own independent verification of the ad inventory;

*Amendment*

(g) provide advertisers, publishers and ***mandated independent third parties***, free of charge, with access to the performance measuring tools of the gatekeeper and ***reliable and granular data*** necessary for advertisers, publishers ***and third parties*** to carry out their own independent verification of the ad inventory;

Or. en

**Amendment 790**

**Andrea Caroppo, Salvatore De Meo, Carlo Fidanza**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(g a) [In respect to each of its core platform services identified pursuant to Article 3(7), a gatekeeper shall] establish and enable on a lasting basis, interoperability of each of the technical***



*components used by the Gatekeeper for the provision of advertising services with each of the technical components used by third party advertising service providers; the gatekeeper must ensure that the use of its technical components by a business user in combination with technical components of a third party advertising service provider is possible under the same conditions as applied by the gate-keeper in the provision of advertising services. This obligation includes:*

*(i) but is not limited to, the seamless interconnection of ad servers, sell-side platforms, demand-side platforms, data management platforms and other technical components used in digital advertising by the gatekeeper and/or third advertising service providers through open, fully-functional and latency-free interfaces;*

*(ii) the duty to make licitly available targeting information including data processed under Regulation EU 2016/679; to this end, the gatekeeper procures that the end user has been presented with the specific information and/or choice and provided consent, if necessary, to the processing of data under the same terms applied and with the same effort made by the gatekeeper for its own purposes in digital advertising;*

*(iii) the duty to make available to a business user which is not a gatekeeper pursuant to Article 3 for resale inventory for targeted advertising generated through the operation of a core platform service or a related service of the Gatekeeper at fair and competitive wholesale prices, terms and conditions ;*

Or. en

**Amendment 791**  
**Carlo Fidanza**

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

*Text proposed by the Commission*

(h) provide effective portability of data generated through *the* activity *of a business user or end user and shall, in particular, provide* tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and *real-time* access ;

*Amendment*

(h) Provide *end users or third parties authorised by an end user, free of charge, with* effective portability *and interoperability* of data *provided by the end user or* generated through *his or her* activity *in the context of their use on the relevant core platform service, including by providing* tools for *business users and* end users to facilitate the *effective* exercise of *such* data portability *and interoperability*, in line with Regulation EU 2016/679, including by the provision of continuous and *real time access, while ensuring no data advantage is conferred upon the gatekeeper's own core platform services as a result, including where necessary by placing restrictions on its own* access *to such data*

Or. en

**Amendment 792**  
**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

(h) provide effective portability of data generated through the activity of a business user *or* end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation *EU* 2016/679, including by the provision of continuous and real-time access ;

*Amendment*

(h) provide effective portability of data *provided for or* generated through *or in the context of* the activity of a business user, *or generated by goods and services provided by a supplier to the gatekeeper's ancillary service notably distribution or* an end user and shall, in particular, provide *free of charge* tools for *business users and* end users to facilitate the exercise of data portability, in line with Regulation *(EU)*2016/679, including by the provision of continuous and real-time access *and guarantees their interoperability* ;

**Amendment 793**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

**Proposal for a regulation****Article 6 – paragraph 1 – point h***Text proposed by the Commission*

(h) provide effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate **the exercise of** data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access ;

*Amendment*

(h) provide effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate **effective portability of the personal data relating to her or him, including personal data generated through her or his activity as end-user of the platform service** data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access ;

**Amendment 794**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Brando Benifei, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

**Proposal for a regulation****Article 6 – paragraph 1 – point h***Text proposed by the Commission*

(h) **provide** effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access ;

*Amendment*

(h) **implement appropriate technical and organisational measures for ensuring** effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability **that is adequate, relevant and limited to what is necessary**, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access ;

**Amendment 795**

**Leszek Miller, Monika Beňová**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) provide effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access ;

*Amendment*

(h) provide effective portability of data ***provided for or*** generated through ***or in the context of*** the activity of a business user or end user and shall, in particular, provide ***free of charge*** tools for ***business users and*** end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, including by the provision of continuous and real-time access;

Or. en

**Amendment 796**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) provide effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679, ***including by the provision of continuous and real-time access*** ;

*Amendment*

(h) provide effective portability of data generated through the activity of a business user or end user and shall, in particular, provide tools for end users to facilitate the exercise of data portability, in line with Regulation EU 2016/679;

Or. en

**Amendment 797**

**Geoffroy Didier**

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

*Text proposed by the Commission*

(i) provide business users, or **third parties authorised** by a business user, free of charge, with effective, **high-quality**, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products **or** services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the **Regulation** (EU) 2016/679; ;

*Amendment*

(i) provide business users, or **third-parties authorized** by a business user, free of charge, with effective, **high quality**, continuous and real-time access and use of aggregated or non-aggregated data that is provided for or generated in the context of the use of the relevant core **and ancillary** platform services by those business users and the end users engaging with the products **and** services provided by those business users, **to user businesses and supplier to the gatekeeper’s ancillary service and notably distribution services; or a provider of a core platform service and a business user or several business users jointly, may appoint a qualified third party or a qualified organization to receive the continuous and real time access to the non-aggregated data in order to provide audience measurement for the relevant business user(s) on a given market** for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent **provided to the gatekeeper or directly to the business user as prescribed in Article 11 (2) or where the business user may rely on Article 6(1)c or Article 6(1)e** in the sense of the (EU) 2016/679 **or the consent requirement in this provision is without prejudice to the special rules and exemptions provided for the purpose of audience measurement for the functioning of the market and for prevailing general and/or public interest.**;

Or. en

*Justification*

*The gatekeeper platform and the business user (or users) could jointly appoint a qualified*

*third party to retrieve the non-aggregated data that is provided for or generated in the context of the use of the relevant core platform services. The procedure itself can however be triggered by either the platform or the business user or users. The appointed third party will thereafter share the data externally in an aggregated form. The qualified third party could be either a Joint Industry Committee (or similar structure) or an Audience Measurement company depending on the context of the given market subject to application of the provision. Measurement providers would in this context serve as effective referees to make the application of this article possible in practice and to ensure that the data is verified by a neutral third party.*

*For the sake of coherence with other EU regulation (namely the GDPR and the future ePrivacy Regulation) an exemption from consent for Audience Measurement should be maintained in the Digital Markets Act. Audience measurement has a special status in privacy regulation and will benefit from an exemption in article 8.1.d considering the its role for market transparency and the general and public interests at play. Audience measurement's aim is not to target internet users or create individual profiles on users in the context of targeted advertising. It has a very limited impact on users' privacy as the final results are presented in the form of aggregated pseudonymous and anonymous data.*

## **Amendment 798**

**Tom Vandenkendelaere, François-Xavier Bellamy**

### **Proposal for a regulation**

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

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

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679;  
;

##### *Amendment*

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, **secure**, high-quality, continuous and real-time access and use of aggregated or non-aggregated, **reliable and accurate** data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; **present the data in a comprehensible, structured and consistent format and offer minimal data analysis services for small and medium-sized business users**; for personal data, **anonymises the data in advance for small or medium-sized business users and provide access when justified on grounds of legitimate interest** and use only where directly connected with the use effectuated by the end user in respect of the products

or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679;

Or. en

#### **Amendment 799**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

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

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

*Text proposed by the Commission*

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; ***for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679; ;***

*Amendment*

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated ***non-personal*** data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users;

Or. en

#### **Amendment 800**

**Carlo Fidanza**

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

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

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of **aggregated or non-aggregated data**, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with **the products or services provided by those business users**; for personal data, provide access and use **only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service**, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679; ;

(i) Provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, **granular**, continuous and real-time access, **equivalent to that conferred upon the gatekeeper itself**, and use of non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with those business users **via the core platform services**; **this shall include at the request of the business user, the possibility and necessary tools to access and analyse data “in-situ” without a transfer from the gatekeeper**. For personal data, provide access and use when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679, **while ensuring no data advantage is conferred upon the gatekeeper’s own core platform services as a result, including where necessary by placing restrictions on its own access to such data**

Or. en

## **Amendment 801**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users;

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users;



for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent *in the sense of the* Regulation (EU) 2016/679; ;

for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent *provided to the gatekeeper or directly to the business user as prescribed in Article 11(2) or where the business user may rely on Article 6(1), point (c), or Article 6(1), point (e), of* Regulation (EU) 2016/679;

Or. en

## Amendment 802

**Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, Adriana Maldonado López, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

### Proposal for a regulation

#### Article 6 – paragraph 1 – point i

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

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated *or* non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679; ;

##### *Amendment*

(i) provide business *users and end* users, or third parties authorised by a business user *or end user*, free of charge, *in a user friendly manner* with effective, high-quality, continuous and real-time access and use of aggregated *and* non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service *in line with the principles of purpose limitation and data minimisation*, and when the end user opts in to such sharing with a consent in the sense of the

### **Amendment 803**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

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

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

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

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679; ;

###### *Amendment*

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services ***or of ancillary services offered by the gatekeeper*** by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679;

### **Amendment 804**

**Adam Bielan, Kosma Złotowski, Eugen Jurzyca**

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

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

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

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, ***high-quality, continuous and real-time*** access and use

###### *Amendment*

(i) provide business users, or third parties authorised by a business user, free of charge, with effective access and use of aggregated or non-aggregated data, that is

of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679;

provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679;

Or. en

#### **Amendment 805**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior**

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

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

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

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated *or* non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679;

##### *Amendment*

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of aggregated *and* non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679;

**Amendment 806**

**Alex Agius Saliba, Marc Angel, Sylvie Guillaume, Maria Grapini, Brando Benifei**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point i a (new)**

*Text proposed by the Commission*

*Amendment*

***(i a) provide their services, including user interfaces, in an accessible way to persons with disabilities in accordance with Article 13 of Directive (EU) 2019/882 and ensure that business users which rely on their core platform service to reach consumers for offering services and products in the scope of Directive (EU) 2019/882, comply with the requirements of Directive (EU) 2019/882.***

Or. en

*Justification*

*As the Digital Markets Directive is without prejudice to the Digital Services Directive, we have proposed a more elaborate new article for the DSA on Accessibility requirements for intermediary services: these would apply to gatekeepers as well. It is, however, important to highlight accessibility of service provided by gatekeepers with a small addition to the text to ensure that this Regulation is also consistent with the European Accessibility Act.*

**Amendment 807**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 6 – paragraph 1 – point j**

*Text proposed by the Commission*

*Amendment*

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper,

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper,

subject to anonymisation for the query, click and view data that constitutes personal data;

subject to anonymisation for the query, click and view data that constitutes personal data ***provided that the gatekeepers able to demonstrate that anonymised query, click and view data have been adequately tested against possible re-identification risks;***

Or. en

## **Amendment 808**

**Antonius Manders, Axel Voss**

### **Proposal for a regulation**

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

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

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to anonymisation for the query, click and view data that constitutes personal data;

##### *Amendment*

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to anonymisation for the query, click and view data that constitutes personal data; ***forbid constraints on publishers' access to dominant advertising platforms and search feeds;***

Or. en

## **Amendment 809**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

### **Proposal for a regulation**

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

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

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and

##### *Amendment*

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and

non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to anonymisation for the query, click and view data that constitutes personal data;

non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to anonymisation for the **ranking**, query, click and view data that constitutes personal data;

Or. en

**Amendment 810**  
**Deirdre Clune**

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

*Text proposed by the Commission*

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to ***anonymisation for the query, click and view data that constitutes personal data;***

*Amendment*

(j) provide to any third party providers of online search engines, upon their request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on online search engines of the gatekeeper, subject to ***due safeguards to protect user safety, privacy trade secrets and intellectual property;***

Or. en

*Justification*

*Whilst increased competition in search is necessary it should not come at the expense of advances in privacy, innovation, property rights, or business secrets.*

**Amendment 811**  
**Geoffroy Didier**

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

*Text proposed by the Commission*

(k) apply fair and non-discriminatory general conditions of access for business

*Amendment*

(k) apply fair and non-discriminatory general conditions of access ***and treatment***

users to its software application store designated pursuant to Article 3 of this Regulation.

for business users *to its core platform service, in particular* to its software application store, *its online search engine and to its online social networking service* designated pursuant to Article 3 of this Regulation, *but also reasonable costs* ;

*(l) refrains from abuse of essential platform services.*

*(m) apply fair and non-discriminatory treatment to business users.*

*(n) In the event of a dispute about the fairness of a price or remuneration as condition of access for business users to each of its core platform services identified pursuant to Article 3(7), the gatekeeper shall participate in and adhere to the outcome of a binding procedure for fixing a fair price or remuneration, be such a procedure established by law or be such a procedure proposed by the business users or by organisations or rights management organisation representing such business users. The procedure about the issue of remuneration and price should start, if the parties have not reached an agreement about terms for resolving the issue of remuneration and pricing within [3 months after one party has asked to start a negotiation or about one party's refusal to negotiate]. This procedure shall apply in particular in the case of a dispute about the remuneration for the use of content protected by the press publisher right in Directive (EU) 2019/790.*

Or. en

**Amendment 812**  
**Antonius Manders, Axel Voss**

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

*Text proposed by the Commission*

*Amendment*

(k) apply fair and non-discriminatory

(k) apply fair and non-discriminatory

general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

general conditions of access *and treatment* for business users *to its core platform services, in particular* to its software application store, *online search engine, browser, operational system, single sign-on system, online payment service and to its online social networking service* designated pursuant to Article 3 of this Regulation. *In all of these cases, the freedom of choice, interoperability and the acceptance of certificates must be guaranteed.*

Or. en

### Amendment 813

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

#### Proposal for a regulation

##### Article 6 – paragraph 1 – point k

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

(k) apply fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

###### *Amendment*

(k) apply *transparent*, fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation, *and for business users SMEs on a given sectorial market to its online search engine and online social networking service designated pursuant to Article 3 of this Regulation;*

Or. en

### Amendment 814

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

#### Proposal for a regulation

##### Article 6 – paragraph 1 – point k

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

(k) apply fair and non-discriminatory

###### *Amendment*

(k) apply fair and non-discriminatory



general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

general conditions of access **and treatment** for business users to its **core platform services including** software application store, **cloud computing services, online search engines and online social networking services** designated pursuant to Article 3 of this Regulation.

Or. en

#### **Amendment 815**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques, Biljana Borzan**

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

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

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

(k) apply fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

##### *Amendment*

(k) apply fair and non-discriminatory general conditions of access for business users **and end users to any of its core platform services by default through implementing appropriate technical and organisational measures** to its software application store designated pursuant to Article 3 of this Regulation.

Or. en

##### *Justification*

*Fair and non-discriminatory general conditions should not be limited to access to software applications but should be extended to all core platform services as a safeguard against possible abuses and to ensure this Regulation is future proof.*

#### **Amendment 816**

**Andrey Kovatchev**

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

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

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

(k) apply fair and non-discriminatory

##### *Amendment*

(k) apply fair and non-discriminatory

general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

general conditions of access **and treatment** for business users **to its core platform service, in particular** to its software application store, **its online search engine and to its online social networking service** designated pursuant to Article 3 of this Regulation.

Or. en

**Amendment 817**  
**Tom Vandenkendelaere**

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

*Text proposed by the Commission*

(k) apply fair and non-discriminatory general conditions of access for business users to its software application store designated pursuant to Article 3 of this Regulation.

*Amendment*

(k) apply fair and non-discriminatory general conditions **and treatment** of access for business users to its software application store, **its online search engines and to its online social networking service** designated pursuant to Article 3 of this Regulation.

Or. en

**Amendment 818**  
**Antonius Manders, Axel Voss**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

**(k a) participate in a binding arbitration procedure when there is no agreement in a dispute about the fairness of a price or remuneration for the use of copyright or similar protected content. The procedure about the issue of remuneration and price should start, if the parties have not reached an agreement about terms for resolving the issue of remuneration and pricing within 3 months after one party**

*has asked to start a negotiation or about one party's refusal to negotiate. In the case of a dispute with press publishers, all involved stakeholders need to be considered. In such a case, media companies are allowed to participate in collective bargaining. If any stakeholder is left out of the negotiations by the gatekeeper, this invalidates all other agreements. If gatekeepers decide to withdraw particular selected news services from the EU internal market due to content disputes, they need to withdraw their entire news service.*

Or. en

#### *Justification*

*In the case of Australia, gatekeepers refused to pay for content and to negotiate with all stakeholders involved. The criteria mentioned above guarantee to keep gatekeepers from cherry-picking. The free press in a democracy shall not be undermined and needs to be secured from such practices of gatekeepers. That is why we need to include the criteria of (1) forced arbitration; (2) including all stakeholders and (3) prevent gatekeepers from replacing national news with content from abroad.*

#### **Amendment 819**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

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

**Article 6 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

*(k a) participate in the event of a dispute about the fairness of a price or remuneration as condition for business users to access or to use any of its core platform services identified pursuant to Article 3, in a binding procedure for fixing a fair price or remuneration and adhere the outcome of it, regardless of whether such a procedure is established by law or proposed by the business users or by organisations or rights management organisations representing such business users. The procedure regarding the issue of remuneration and price shall start if*

*the parties have not reached an agreement about terms for resolving the issue of remuneration and pricing within [3 months after one party has asked to start a negotiation or about one party's refusal to negotiate]. This procedure shall apply in particular in the case of a dispute about the remuneration laid down in Directive (EU) 2019/790;*

Or. en

## **Amendment 820**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

*(k a) provide its end users with clear, fair and non-discriminatory licensing conditions, including in terms of charges and fees, preventing material changes limiting the use of software applications or services which are used on, or in conjunction with a core service platform of the gatekeeper, and securing the reasonable expected use of the software application or services, including after its transfer to another end user if applicable. In principle, these unilateral changes do not prevent undertakings from breaking their contract and migrating to another cloud solution, but in practice this solution appears to be costly and complex and enterprises are forced to accept these contractual changes that are not favorable to them. The purpose of the amendment is to create a new obligation that allows users to freely use their licenses when using a cloud service.*

Or. en

## **Amendment 821**

Leszek Miller, Monika Beňová

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

***(k a) In the event of a dispute about the fairness of a price or remuneration as condition of access for business users to each of its core platform services identified pursuant to Article 3(7), the gatekeeper shall participate in and adhere to the outcome of a binding procedure for fixing a fair price or remuneration, be such a procedure established by law or be such a procedure proposed by the business users or by organisations or rights management organisation representing such business users. The procedure about the issue of remuneration and price should start, if the parties have not reached an agreement about terms for resolving the issue of remuneration and pricing within. This procedure shall apply in particular in the case of a dispute about the remuneration for the use of content protected by the press publisher right in Directive (EU) 2019/790.***

Or. en

**Amendment 822**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

***(k a) refrain from imposing on business users or end users software applications or services which are used on, or in conjunction with a core service platform of the gatekeeper, any licensing***

*conditions or economic terms that have the effect of limiting, in a discriminatory manner relative to the gatekeeper's own offerings, end users' ability or economic incentive to use software applications or services on, or in conjunction with, products or services that compete with those of the gatekeeper for instance by attributing a preferential treatment to its own offerings which would bring them forward to the attention of the end users or business users.*

Or. en

**Amendment 823**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 6 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

*(k a) ensure that their services, including user interfaces, are accessible to persons with disabilities in accordance with Article 13 of Directive (EU) 2019/882. They shall also ensure that business users which rely on their core platform service to reach consumers for offering services and products in the scope of Directive (EU) 2019/882, comply with the requirements of Directive (EU) 2019/882;*

Or. en

**Amendment 824**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

*(k a) refrain from practices that obstruct the option to unsubscribe from a core platform service, whereas the subscription is easily facilitated. In practice, both processes shall be equally demanding for business and end users.*

Or. en

**Amendment 825**

**Andreas Schieder, Evelyne Gebhardt, Marc Angel, Maria Grapini, Sylvie Guillaume, Alex Agius Saliba**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

*(k a) refrain from practices that obstruct the option to unsubscribe from a core platform service, whereas the subscription is easily facilitated. In practice, both processes shall be equally demanding for business and end users.*

Or. en

*Justification*

*Subscribing to a core platform service is easy. In contrast to unsubscribing, where the option to do so is in many cases hidden far away in the realm of the provider's platform. The gatekeepers have to ensure that the access to these options are the same.*

**Amendment 826**

**Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Virginie Joron, Jean-Lin Lacapelle**  
on behalf of the ID Group  
**Christine Anderson**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point k a (new)**

*Text proposed by the Commission*

*Amendment*

*(k a) ensure their services, including user interfaces, are accessible to persons*

*with disabilities in accordance with  
Article 13 of Directive (EU) 2019/882;*

Or. en

**Amendment 827**

**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point k b (new)**

*Text proposed by the Commission*

*Amendment*

*(k b) ensure their services, including user interfaces, are accessible to persons with disabilities in accordance with Article 13 of Directive (EU) 2019/882. They shall also ensure that business users which rely on their core platform services to reach consumers for offering services and products in the scope of Directive (EU) 2019/882, comply with the requirements of Directive (EU) 2019/882.*

Or. en

**Amendment 828**

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 6 – paragraph 1 – point k b (new)**

*Text proposed by the Commission*

*Amendment*

*(k b) refrain from deploying subliminal techniques beyond a person`s consciousness in order to materially distort a person`s behaviour in a manner that can lead that person towards making certain choices by appealing to psychological biases driven by intermediation bias;*

Or. en



**Amendment 829**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point k b (new)**

*Text proposed by the Commission*

*Amendment*

***(k b) refrain from blanket de-listing without an appropriate and effective complaint procedure;***

Or. en

**Amendment 830**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

**Proposal for a regulation**

**Article 6 – paragraph 1 – point k c (new)**

*Text proposed by the Commission*

*Amendment*

***(k c) refrain from terms, conditions or technical measures that hinder business users in their business activities on procurement or sales markets, if the gatekeeper's service constitutes an access to these markets, in particular if it thereby:***

***- prevents or impedes business users from advertising their services or providing advertising services for third parties or from reaching end users via other access points and marketing their services,***

***- prevents or impedes the processing of data relevant to competition or***

***- treats its own services and products or the services and products of third parties more preferentially than those of competitors.***

Or. en

**Amendment 831**  
**Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point k c (new)**

*Text proposed by the Commission*

*Amendment*

***(k c) refrain to have a dual role as a provider of core platform services whereby it provides a core platform service to its business users, while also competing with those same business users in the provision of the same or similar services or products to the same end users***

Or. en

**Amendment 832**  
**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 6 – paragraph 1 – point k c (new)**

*Text proposed by the Commission*

*Amendment*

***(k c) refrain from limiting end users' ability to directly access business users or other end-users services or websites outside of the gatekeepers' ecosystem from the gatekeeper platform service.***

Or. en

**Amendment 833**  
**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Brando Benifei, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

**Proposal for a regulation**  
**Article 6 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The susceptibility of further***

*technical specification is limited to the explicit cases mentioned in Article 6. Affected third parties that have a legitimate interest should be part of the regulatory dialogue.*

Or. en

**Amendment 834**  
**Geoffroy Didier, Nathalie Colin-Oesterlé**

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

*Text proposed by the Commission*

2. For the purposes of point (a) *of* paragraph 1 data that is not publicly available shall include any aggregated and non-aggregated data generated by business users that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform service of the gatekeeper.

*Amendment*

2. For the purposes of point (a) paragraph 1, data that is not publicly available shall include any aggregated and non-aggregated data generated by business users *or generated by goods and services provided by a supplier to the gatekeeper's ancillary services notably distribution*, that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform, *distribution or other ancillary* service of the gatekeeper.

Or. en

**Amendment 835**  
**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Brando Benifei, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

*Text proposed by the Commission*

2. For the purposes of point (a) of paragraph 1 data that is not publicly available shall include any aggregated and non-aggregated data generated by business users that can be inferred from, or collected

*Amendment*

2. For the purposes of point (a) of paragraph 1 data that is not publicly available shall include any aggregated and non-aggregated data generated by business users that can be inferred from, or collected

through, the commercial activities of business users or their customers on the core platform service of the gatekeeper.

through, the commercial activities of business users or their customers on the core platform service of the gatekeeper.  
***The Commission is required to publish the technical specifications for individual gatekeepers, without prejudice to business secrets.***

Or. en

#### **Amendment 836**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

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

#### **Article 6 – paragraph 2**

*Text proposed by the Commission*

2. ***For the purposes of point (a) of paragraph 1 data that is not publicly available shall include any aggregated and non-aggregated data generated by business users that can be inferred from, or collected through, the commercial activities of business users or their customers on the core platform service of the gatekeeper.***

*Amendment*

2. ***The Commission is required to publish the behavioural requirements that it specifies for individual gatekeepers. This shall not extend to business secrets or confidential information inherent to the business model of the respective gatekeeper.***

Or. en

#### **Amendment 837**

**Deirdre Clune**

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

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

*Text proposed by the Commission*

*Amendment*

***2 a. While complying with obligations listed in this Article the gatekeeper concerned shall not be required to disclose its trade secrets as defined in Article (2) of Directive (EU)2016/943 and shall not be prevented from taking proportionate measures to ensure the integrity, security and functioning of its***

*core platforms services or hardware.*

Or. en

*Justification*

*Trade secrets are not fully protected in the proposal and this amendment is required to safeguard these secrets. Failure to do so will hamper future innovation.*

**Amendment 838**  
**Dita Charanzová**

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

*Text proposed by the Commission*

*Amendment*

**2 a. A gatekeeper shall adopt and implement effective measures with its business partners to make sure that obligations in this article are effective even when it is a third party providing the final product to consumers and business users and such product includes a core service operated by the gatekeeper.**

Or. en

**Amendment 839**  
**Antonius Manders**

**Proposal for a regulation**  
**Article 7 – title**

*Text proposed by the Commission*

*Amendment*

Compliance with obligations for gatekeepers

Compliance with obligations for gatekeepers **and regulatory dialogue**

Or. en

**Amendment 840**  
**Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, Paul Tang, Petra Kammerevert, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose,**

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

*Text proposed by the Commission*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

*Amendment*

1. The measures implemented by the gatekeeper to ensure **full** compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. ***The gatekeeper shall be responsible for, and be able to demonstrate full compliance with these obligations ('accountability'). The burden of proof regarding the efficiency lies on the gatekeeper. The gatekeeper shall demonstrate which measures have been taken to comply with these obligations.*** The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

Or. en

*Justification*

*In line with Article 11 on “anti circumvention”.*

**Amendment 841**  
**Antonius Manders**

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

*Text proposed by the Commission*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with

*Amendment*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation ***and the objectives of this Regulation, namely safeguarding contestability and fairness***

Regulation (EU) 2016/679 *and* Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

*for consumers as well as business users.*  
The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679, Directive 2002/58/EC, *the Regulation on a Single Market for Digital Services*, and with legislation on cyber security, consumer protection and product safety, *as well as intellectual property rights and Directive (EU) 2016/943.*

Or. en

#### **Amendment 842**

**Adam Bielan, Eugen Jurzyca, Kosma Zlotowski**

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

#### **Article 7 – paragraph 1**

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

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

##### *Amendment*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. *In the implementation of these measures, the gatekeeper may take reasonable, proportionate and adequately justified steps to ensure service integrity, user security and core functionality of its core platform services.* The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

Or. en

#### **Amendment 843**

**Maria Grapini, Marc Angel**

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

#### **Article 7 – paragraph 1**

*Text proposed by the Commission*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

*Amendment*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation ***and the objectives of this Regulation, namely safeguarding contestability and fairness for business users as well as end users***. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

Or. en

**Amendment 844**  
**Deirdre Clune**

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

*Text proposed by the Commission*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

*Amendment*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation ***and the objectives of this Regulation, namely safeguarding contestability and fairness for business users as well as end users***. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

Or. en

**Amendment 845**



Martin Schirdewan, Anne-Sophie Pelletier

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

*Text proposed by the Commission*

1. ***The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation.*** The gatekeeper shall ensure that ***these*** measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

*Amendment*

1. The gatekeeper shall ensure that ***the*** measures ***implemented to comply with Article 5 and 6*** are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

Or. en

**Amendment 846**

Alex Agius Saliba, Marc Angel, Sylvie Guillaume

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

*Text proposed by the Commission*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and with legislation on cyber security, consumer protection and product safety.

*Amendment*

1. The measures implemented by the gatekeeper to ensure compliance with the obligations laid down in Articles 5 and 6 shall be effective in achieving the objective of the relevant obligation. The gatekeeper shall ensure that these measures are implemented in compliance with Regulation (EU) 2016/679 and Directive 2002/58/EC, and ***Directive (EU) 2019/882*** ***and*** with legislation on cyber security, consumer protection and product safety.

Or. en

*Justification*

*For millions of persons with disabilities, accessibility is as vital for their equal engagement as privacy and security. If accessibility is not ensured, millions of people will simply not be able to access digital gatekeeping platforms and services.*

**Amendment 847**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

**Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. Within six months after its designation and in application of paragraph 8 of Article 3, the gatekeeper shall provide the Commission with a report describing in a detailed and transparent manner the measures implemented to ensure compliance with the obligations laid down in Articles 5 and 6. This report shall be updated at least annually.***

Or. en

**Amendment 848**

**Adriana Maldonado López, Clara Aguilera**

**Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Affected third parties showing a legitimate interest shall be consulted and be part of the regulatory dialogue. At the same time, Member States' authorities may also be involved in this dialogue if they deem it appropriate.***

Or. es

**Amendment 849**

**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

**Proposal for a regulation**

**Article 7 – paragraph 1 b (new)**

**1 b.** *Along with the report mentioned in paragraph 1a and within the same timeframe, the gatekeeper shall provide the Commission with anon-confidential summary of its report that will be published by the Commission without delay. The non-confidential summary shall be updated at least annually according to the detailed report.*

Or. en

## Amendment 850

Deirdre Clune

### Proposal for a regulation

#### Article 7 – paragraph 2

*Text proposed by the Commission*

2. Where the Commission **finds** that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, **do** not ensure effective compliance with the relevant obligations laid down in Article 6, it **may** by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

*Amendment*

2. Where the Commission **considers** that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, **may** not ensure effective compliance with the relevant obligations laid down in Article 6, it **shall open proceedings pursuant to Article 18 where it shall**, by decision, **following regulatory dialogue of no longer than 6 months to facilitate compliance by the gatekeeper and expedite the implementation of this Regulation**, specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

***A gatekeeper may request the opening of proceedings pursuant to Article 18 for the Commission to determine, in accordance with paragraph 2, whether the measures that the gatekeeper intends to implement or has implemented under Article 6 are effective in achieving the objectives of this Regulation pursuant to paragraph 1 and the relevant obligation in the specific***

*circumstances.*

Or. en

*Justification*

*In order to ensure compliance with the obligations outlined in Article 6 regulatory dialogue under Article 7 maybe required in certain circumstances.*

**Amendment 851**  
**Antonius Manders**

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

*Text proposed by the Commission*

2. Where the Commission ***finds*** that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, ***do*** not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

*Amendment*

2. Where the Commission ***considers*** that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, ***may*** not ensure effective compliance with the relevant obligations laid down in ***Articles 5 and 6, it shall open proceedings pursuant to Article 18 where*** it may by decision, ***following regulatory dialogue to facilitate compliance by the gatekeeper and expedite the implementation of this Regulation,*** specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

Or. en

**Amendment 852**  
**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

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

*Text proposed by the Commission*

2. ***Where*** the Commission ***finds that the measures that the gatekeeper intends***

*Amendment*

2. The Commission may by decision specify the measures that the gatekeeper

*to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.*

concerned shall implement *in order to comply with the obligations laid down in Article 6. In view of adopting the decision, the Commission shall take into account the information provided by interested third parties, governments and relevant authorities of the Member States* The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18. *The Commission must be supported, where appropriate, by resources and information to address the asymmetry of information with gatekeepers.*

Or. en

**Amendment 853**  
**Pilar del Castillo Vera**

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

*Text proposed by the Commission*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

*Amendment*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission, *taking into account the opinion of the High-Level Group of Digital Regulators*, shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

Or. en

**Amendment 854**  
**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior**

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

*Text proposed by the Commission*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision **within** six months from the opening of proceedings pursuant to Article 18.

*Amendment*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may **act on its own initiative and may** by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision **as soon as possible, and in any case no later than** six months from the opening of proceedings pursuant to Article 18.

Or. en

**Amendment 855**  
**Brando Benifei, Alex Agius Saliba**

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

*Text proposed by the Commission*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

*Amendment*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement, **following regulatory dialogue to facilitate compliance**. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

Or. en

## Amendment 856

**Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen**  
on behalf of the Verts/ALE Group

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

*Text proposed by the Commission*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it **may** by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

*Amendment*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it **shall** by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18. ***The decision shall be public.***

Or. en

## Amendment 857

**Martin Schirdewan, Anne-Sophie Pelletier**

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

*Text proposed by the Commission*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within **six** months from the opening of proceedings pursuant to Article 18.

*Amendment*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within **three** months from the opening of proceedings pursuant to Article 18 **and make them public.**

Or. en

## **Amendment 858**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2**

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

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within **six** months from the opening of proceedings pursuant to Article 18.

##### *Amendment*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within **three** months from the opening of proceedings pursuant to Article 18.

Or. en

## **Amendment 859**

**Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle**

### **Proposal for a regulation**

#### **Article 7 – paragraph 2**

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

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within **six** months from the opening of proceedings pursuant to Article 18.

##### *Amendment*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it may by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within **three** months from the opening of proceedings pursuant to Article 18.

Or. fr



## Amendment 860

Adam Bielan, Eugen Jurzyca, Kosma Złotowski

### Proposal for a regulation

#### Article 7 – paragraph 2

*Text proposed by the Commission*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it **may** by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

*Amendment*

2. Where the Commission finds that the measures that the gatekeeper intends to implement pursuant to paragraph 1, or has implemented, do not ensure effective compliance with the relevant obligations laid down in Article 6, it **shall** by decision specify the measures that the gatekeeper concerned shall implement. The Commission shall adopt such a decision within six months from the opening of proceedings pursuant to Article 18.

Or. en

## Amendment 861

Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior

### Proposal for a regulation

#### Article 7 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2 a. In order to effectively comply with the obligations laid down in Article 6, the gatekeeper shall be granted the opportunity to engage in a regulatory dialogue, whereby the Commission can further specify relevant measures that the gatekeeper concerned shall adopt in order to effectively comply with those obligations. When doing so, the Commission may decide to consult third parties whose views it considers necessary in relation to the measures that the gatekeeper is expected to implement. Further specification of obligations laid down in Article 6 shall be limited to issues relating to ensuring effective compliance with the obligation while protecting***

*safety, security and privacy and where the modalities of implementation of an obligation can be affected by differences in business models. The Commission shall retain discretion in deciding whether to engage in such a dialogue.*

Or. en

**Amendment 862**

**Deirdre Clune**

**Proposal for a regulation**

**Article 7 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a.** *During the regulatory dialogue pursuant to paragraph 2, the gatekeeper may provide a reasoned submission to explain in particular why the measures it intends to implement or has implemented shall be effective in achieving the objectives of this Regulation pursuant to paragraph 1 and the relevant obligation, and the conditions in Article 7(5) and where appropriate, Article 7(6).*

Or. en

*Justification*

*In order to ensure compliance with the obligations outlined in Article 6 regulatory dialogue under Article 7 maybe required in certain circumstances.*

**Amendment 863**

**Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Vlad-Marius Botoș, Morten Løkkegaard, Karen Melchior**

**Proposal for a regulation**

**Article 7 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2 b.** *A gatekeeper may request an opening of proceedings pursuant to*

*Article 18 in order for the Commission to determine whether the measures that the gatekeeper intends to implement or has implemented under Article 6 are effective in achieving the objective of the relevant obligation in the specific circumstances. A gatekeeper shall, in its request, provide a reasoned submission to explain in particular, why the measures that it intends to implement or has implemented are effective in achieving the objective of the relevant obligation in the specific circumstances.*

Or. en

#### **Amendment 864**

**Alex Agius Saliba, Marc Angel, Maria Grapini**

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

#### **Article 7 – paragraph 3**

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

3. Paragraph 2 of this Article is without prejudice to the powers of the Commission under Articles 25, 26 and 27.

##### *Amendment*

3. Paragraph 2 of this Article is without prejudice to the powers of the Commission under Articles 25, 26 and 27. ***Where the Commission takes a decision under Article 26 following a decision pursuant to paragraph 2 or 7, for the purposes of fixing the amount of the fine under Article 26(3), the Commission may consider the duration of the non-compliance to commence from the implementation deadline in Article 3(8).***

Or. en

##### *Justification*

*To avoid loopholes with regard to Article 7(2) and 7(7), if compliance with an Article 7(2) or 7(7) decision takes the gatekeeper beyond the binding 6-month implementation deadline in Article 3(8), it must be clear that the Commission has the ability to fine the gatekeeper under Article 25 and 26. The level of any fine must take into account how much the Commission has legitimately had to discuss with the gatekeeper. Where the gatekeeper has clearly acted in bad faith to delay compliance with its obligations, it must be fined for the full period for which it was not in compliance after expiry of the 6-month deadline.*

## Amendment 865

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen  
on behalf of the Verts/ALE Group

### Proposal for a regulation Article 7 – paragraph 3

*Text proposed by the Commission*

3. Paragraph 2 of this Article is without prejudice to the powers of the Commission under Articles 25, 26 and 27.

*Amendment*

3. Paragraph 2 of this Article is without prejudice to the powers of the Commission under Articles 25, 26 and 27.  
***In case of a non-compliance decision under Article 25 resulting in fines and penalties under Article 26, the period for non-compliance shall be presumed to start from the deadline set under Article 3(8).***

Or. en

## Amendment 866

Pilar del Castillo Vera

### Proposal for a regulation Article 7 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3 a. Where the Commission intends to adopt a specification decision pursuant to paragraph 2, it shall publish a concise summary of the measures the gatekeeper is expected to implement to ensure effective compliance with the obligations of this Regulation. The Commission shall decide to invite interested third parties to submit their observations within a time limit, which is fixed by the Commission in its publication. Publication shall have regard to the legitimate interest of undertakings in the protection of their business secrets.***

Or. en

## Amendment 867

Adam Bielan, Eugen Jurzyca, Kosma Złotowski

### Proposal for a regulation

#### Article 7 – paragraph 4

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

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

##### *Amendment*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings ***to the gatekeeper. It shall, in addition, publish a concise summary of the draft measures the gatekeeper is expected to implement to ensure effective compliance with the obligations of this Regulation.*** In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

***The Commission shall invite all interested parties to submit their observations within a reasonable time limit, specified by the Commission in its publication. Publication shall have regard to the legitimate interest of undertakings in the protection of their commercial secrets***

Or. en

## Amendment 868

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen

on behalf of the Verts/ALE Group

### Proposal for a regulation

#### Article 7 – paragraph 4

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

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary

##### *Amendment*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate ***to gatekeepers*** its preliminary findings within three months from the opening of the proceedings. In the

findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings. ***The Commission may consult interested third parties demonstrating sufficient interest when drafting the preliminary findings. The preliminary findings shall be public.***

Or. en

**Amendment 869**  
**Maria Grapini**

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within ***three months from the opening of the proceedings***. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

*Amendment*

4. In view of adopting the decision under paragraph 2, ***the gatekeeper shall communicate to the Commission the measures it intends to implement within one month from the opening of the proceedings***. The Commission shall communicate its preliminary findings within ***one month from receiving such communication***. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

Or. en

**Amendment 870**  
**Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi**

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

*Amendment*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings. ***Interested third parties that are directly implicated shall be able to provide comments on these preliminary findings.***

Or. en

**Amendment 871**  
**Deirdre Clune**

**Proposal for a regulation**  
**Article 7 – paragraph 4**

*Text proposed by the Commission*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

*Amendment*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings, ***taking into account the issues discussed during the regulatory dialogue.***

Or. en

*Justification*

*In order to ensure compliance with the obligations outlined in Article 6 regulatory dialogue under Article 7 maybe required in certain circumstances.*

## Amendment 872

Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Claudia Gamon, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior

### Proposal for a regulation

#### Article 7 – paragraph 4

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

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings **within** three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

##### *Amendment*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings **as soon as possible, and in any case no later than** three months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

Or. en

## Amendment 873

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

### Proposal for a regulation

#### Article 7 – paragraph 4

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

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within **three** months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

##### *Amendment*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within **two** months from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

Or. fr



#### **Amendment 874**

**Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Marc Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques**

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

#### **Article 7 – paragraph 4**

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

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within **three months** from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

##### *Amendment*

4. In view of adopting the decision under paragraph 2, the Commission shall communicate its preliminary findings within **six weeks** from the opening of the proceedings. In the preliminary findings, the Commission shall explain the measures it considers to take or it considers that the provider of core platform services concerned should take in order to effectively address the preliminary findings.

Or. en

#### **Amendment 875**

**Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt**

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

#### **Article 7 – paragraph 5**

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

5. In specifying the measures under paragraph 2, the Commission shall ensure that the measures are effective in achieving the objectives of the relevant obligation and proportionate in the specific circumstances of the gatekeeper and the relevant service.

##### *Amendment*

5. In specifying the measures under paragraph 2, the Commission shall ensure that the measures are effective in achieving the objectives of the relevant obligation and proportionate in the specific circumstances of the gatekeeper and the relevant service. ***Parties with a legitimate interest shall be able to submit their observations as to the effectiveness of such measures.***

Or. en

#### **Amendment 876**

**Proposal for a regulation**  
**Article 7 – paragraph 5**

*Text proposed by the Commission*

5. In specifying the measures under paragraph 2, the Commission shall ensure that the measures are effective in achieving the objectives of the relevant obligation ***and proportionate in the specific circumstances*** of the gatekeeper and the relevant service.

*Amendment*

5. In specifying the measures under paragraph 2, the Commission shall ensure that the measures are effective in achieving the objectives of the relevant obligation of the gatekeeper and the relevant service.

Or. en