



2020/0374(COD)

9.7.2021

AMENDMENTS

877 - 1199

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 877
Clara Ponsatí Obiols

Proposal for a regulation
Article 7 – paragraph 6

Text proposed by the Commission

6. For the purposes of specifying the obligations under Article 6(1) points (j) and (k), the Commission shall also assess whether the intended or implemented measures ensure that there is no remaining imbalance of rights and obligations on business users and that the measures do not themselves confer an advantage on the gatekeeper which is disproportionate to the service provided by the gatekeeper to business users.

Amendment

6. For the purposes of specifying the obligations under Article 6(1) points (j) and (k), the Commission shall also assess whether the intended or implemented measures ensure that there is no remaining imbalance of rights and obligations on business users **or end users** and that the measures do not themselves confer an advantage on the gatekeeper which is disproportionate to the service provided by the gatekeeper to business users **or end users**.

Or. en

Amendment 878
Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen
on behalf of the Verts/ALE Group
Karen Melchior, Yana Toom

Proposal for a regulation
Article 7 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. For the purposes of specifying the obligations under Article 6(1) point (f), interoperability shall be defined by reference to the open technologies, open standards and open protocols, including the technical interface (Application Programming Interface), that allows end users of competing software and services and business users to dock on to the gatekeepers core service and to interoperate with it. Any processing of personal data by gatekeepers should comply with Regulation (EU) 2016/679, in

particular articles 6(1)(a) and 5(1)(c). Interoperability obligations shall not limit, hinder or delay the ability of intermediaries to address vulnerabilities in order to comply with an obligation under article 18 of COM(2020) 823 final or article 32(1)(c) of Regulation (EU) 2016/679.

Or. en

Amendment 879

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 7 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *A public consultation allows interested businesses and individuals to contribute anonymously and to inform procedures.*

Or. fr

Amendment 880

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen
on behalf of the Verts/ALE Group
Karen Melchior, Yana Toom

Proposal for a regulation

Article 7 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

6b. *The Commission shall adopt implementing act establishing the technical specifications referred to in article 7(6a new). Those technical specifications shall meet the interoperability requirements set out in article 6(1)(f) and article 7(6a new).*

Or. en

Amendment 881
Deirdre Clune

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. *A gatekeeper may request the opening of proceedings pursuant to Article 18 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 may, with 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.* **deleted**

Or. en

Justification

Article 7.6 needs to be given full effect and the amendments proposed to Article 7 above facilitate this

Amendment 882

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

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. *A gatekeeper may request the opening of proceedings pursuant to Article 18 for the Commission to determine whether the measures that the gatekeeper intends to implement or has implemented under Article 6 are effective* **deleted**

in achieving the objective of the relevant obligation in the specific circumstances. A gatekeeper may, with 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

Justification

moved to 7 (2 b.)

Amendment 883

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 7 – paragraph 7

Text proposed by the Commission

Amendment

7. A gatekeeper may request the opening of proceedings pursuant to Article 18 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 may, with 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.

deleted

Or. en

Amendment 884

Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Paul Tang, Petra Kammerevert, Maria Grapini, Marc Angel, Monika Beňová, Andreas Schieder, Christel

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

7. A gatekeeper may request **the** opening of proceedings pursuant to Article 18 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 may, with 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.

Amendment

7. A gatekeeper may request **within the implementation deadline of Article 3 paragraph 8** the opening of proceedings pursuant to Article 18 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 may, with 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. **The Commission shall adopt its decision within six months from the opening of proceedings pursuant to Article 18.**

Or. en

Amendment 885
Alex Agius Saliba, Marc Angel

Proposal for a regulation
Article 7 – paragraph 7

Text proposed by the Commission

7. A gatekeeper may request the opening of proceedings pursuant to Article 18 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 may, with its request, provide a reasoned submission to explain in particular why the

Amendment

7. A gatekeeper may, **prior to the expiration of the deadline in Article 3(8)**, request the opening of proceedings pursuant to Article 18 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 may, with its request, provide a

measures that it intends to implement or has implemented are effective in achieving the objective of the relevant obligation in the specific circumstances.

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. ***The Commission shall adopt its decision within six months from the opening of proceedings pursuant to Article 18.***

Or. en

Justification

It is necessary to introduce additional deadlines into Article 7 in order to avoid loopholes in this Article in conjunction with Article 25/26. Failure to do so could allow gatekeepers to remain in non-compliance for an indefinite period which would be incompatible with the DMA's goals of contestable and fair markets.

Amendment 886

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

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

Text proposed by the Commission

7. A gatekeeper may request the opening of proceedings pursuant to Article 18 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 may, with 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.

Amendment

7. A gatekeeper may request ***within the time-limits set under Article 3(8)*** the opening of proceedings pursuant to Article 18 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 may, with 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 887

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

Proposal for a regulation

Article 7 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The powers granted to the Commission under this Article are without prejudice to the jurisdiction of national courts to ensure compliance with the obligations laid down in Articles 5 and 6 in legal proceedings between gatekeepers, business and end users, including in collective redress procedures pursuant to Directive (EU) 2020/1828^{1a}.

^{1a} Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC.

Or. en

Amendment 888

Alex Agius Saliba, Marc Angel, Maria Grapini

Proposal for a regulation

Article 7 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. Where the Commission has reason to believe that a gatekeeper is in non-compliance with a decision under paragraph 2 or 7, it shall open proceedings in accordance with Article 18, with a view to taking an Article 25 and 26 decision, without delay and at the latest within six months.

Or. en

Justification

It is necessary to introduce additional deadlines into Article 7 in order to avoid loopholes in this Article in conjunction with Article 25/26. Failure to do so could allow gatekeepers to remain in non-compliance for an indefinite period which would be incompatible with the DMA's goals of contestable and fair markets.

Amendment 889

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 8

Text proposed by the Commission

Amendment

Article 8

deleted

Suspension

1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address such threat to its viability. The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request.

2. Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every year. Following such a review the Commission shall either lift the suspension or decide that the conditions of paragraph 1 continue to be met.

3. The Commission may, acting on a reasoned request by a gatekeeper, provisionally suspend the application of

the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.

In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.

Or. en

Amendment 890

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 8 – paragraph 1

Text proposed by the Commission

1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address such threat to its

Amendment

1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address such threat to its

viability. The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request.

viability. The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request. ***The suspension decision shall be accompanied by a reasoned statement explaining the grounds for the suspension.***

Or. en

Amendment 891

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 8 – paragraph 1

Text proposed by the Commission

1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address such threat to its viability. The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request.

Amendment

1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address such threat to its viability. The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request ***and accompany this by a reasoned statement explaining the grounds for the suspension.***

Or. en

Amendment 892
Deirdre Clune

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that ***compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address such threat to its viability. The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request.***

Amendment

1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles 5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that:

Or. en

Justification

The grounds for suspension proposed are not sufficient to fully future proof the proposal.

Amendment 893
Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles

Amendment

1. The Commission may, on a reasoned request by the gatekeeper, exceptionally suspend, in whole or in part, a specific obligation laid down in Articles

5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address *such threat to its viability*. The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request.

5 and 6 for a core platform service by decision adopted in accordance with the advisory procedure referred to in Article 32(4), where the gatekeeper demonstrates that compliance with that specific obligation would endanger, due to exceptional circumstances beyond the control of the gatekeeper, the economic viability of the operation of the gatekeeper in the Union, and only to the extent necessary to address *a risk of bankruptcy*. The Commission shall aim to adopt the suspension decision without delay and at the latest 3 months following receipt of a complete reasoned request.

Or. fr

Amendment 894
Deirdre Clune

Proposal for a regulation
Article 8 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) Compliance with these obligations is technically not feasible;

Or. en

Justification

The grounds for suspension proposed are not sufficient to fully future proof the proposal.

Amendment 895
Deirdre Clune

Proposal for a regulation
Article 8 – paragraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) deviation from these obligations is objectively justified in order to ensure the

*integrity and security of the gatekeepers
core platform services;*

Or. en

Justification

The grounds for suspension proposed are not sufficient to fully future proof the proposal.

Amendment 896

Deirdre Clune

Proposal for a regulation

Article 8 – paragraph 1 – point c (new)

Text proposed by the Commission

Amendment

*(c) a deviation from these obligations
is necessary to ensure data security and
compliance with privacy, trade secrets and
data protection rules; and*

Or. en

Justification

The grounds for suspension proposed are not sufficient to fully future proof the proposal.

Amendment 897

Deirdre Clune

Proposal for a regulation

Article 8 – paragraph 1 – point d (new)

Text proposed by the Commission

Amendment

*(d) compliance with that specific
obligation would degrade the consumer
experience or endanger, due to
exceptional circumstances beyond the
control of the gatekeeper, the economic
viability of the operation of the gatekeeper
in the Union, and only to the extent
necessary to address such threat to its
viability. The Commission shall aim to
adopt the suspension decision without*

delay and at the latest 3 months following receipt of a complete reasoned request.

Or. en

Justification

The grounds for suspension proposed are not sufficient to fully future proof the proposal.

Amendment 898

Deirdre Clune

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every year. Following such a review the Commission shall either lift the suspension or decide that the conditions of paragraph 1 continue to be met.

Amendment

2. Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every year. Following such a review the Commission shall either lift the suspension or decide that the conditions of paragraph 1 continue to be met.

When it intends to lift the suspension, the Commission shall beforehand invite the gatekeeper to present a revised reasoned request.

Or. en

Justification

In order to deliver both legal and operational certainty gatekeepers should be allowed to revise requests based on relevant developments,

Amendment 899

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 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every year. Following such a review the Commission shall either lift the suspension or decide that the conditions of paragraph 1 continue to be met.

2. Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every year. Following such a review the Commission shall either ***in whole or in part*** lift the suspension or decide that the conditions of paragraph 1 continue to be met.

Or. en

Amendment 900

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every ***year***. Following such a review the Commission shall either lift the suspension or decide that the conditions of paragraph 1 continue to be met.

2. Where the suspension is granted pursuant to paragraph 1, the Commission shall review its suspension decision every ***six months***. Following such a review the Commission shall either lift the suspension or decide that the conditions of paragraph 1 continue to be met.

Or. fr

Amendment 901

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

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. ***The Commission may, acting on a reasoned request by a gatekeeper, provisionally suspend the application of the relevant obligation to one or more individual core platform services already***

deleted

prior to the decision pursuant to paragraph 1.

In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.

Or. fr

Amendment 902

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 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.

Amendment

In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties, ***in particular smaller business users and consumers***. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.

Or. en

Amendment 903
Ivan Štefanec

Proposal for a regulation
Article 8 – paragraph 3 – subparagraph 1

Text proposed by the Commission

In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.

Amendment

In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the economic viability of the operation of the gatekeeper in the Union as well as on third parties, ***in particular the gatekeeper's business users***. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between these interests and the objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.

Or. en

Justification

Justification: It should be clear that the impact on business users of any decision suspendingspecific obligations laid down in Articles 5 and 6 for a core platform service is carefully evaluated.

Amendment 904

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 9 – paragraph 1

Text proposed by the Commission

1. The Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, by decision adopted in accordance with the advisory procedure

Amendment

1. The Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, by decision adopted in accordance with the advisory procedure

referred to in Article 32(4), exempt it, in whole or in part, from a specific obligation laid down in Articles 5 and 6 in relation to an individual core platform service identified pursuant to Article 3(7), where such exemption is justified on the grounds set out in paragraph 2 of this Article. The Commission shall adopt the exemption decision at the latest 3 months after receiving a complete reasoned request.

referred to in Article 32(4), exempt it, in whole or in part, from a specific obligation laid down in Articles 5 and 6 in relation to an individual core platform service identified pursuant to Article 3(7), where such exemption is justified on the grounds set out in paragraph 2 of this Article. The Commission shall adopt the exemption decision at the latest 3 months after receiving a complete reasoned request ***and accompany by a reasoned statement explaining the grounds for the suspension.***

Or. en

Amendment 905
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The Commission may, ***acting on a reasoned request by a gatekeeper or*** on its own initiative, by decision adopted in accordance with the advisory procedure referred to in Article 32(4), exempt it, in whole or in part, from a specific obligation laid down in Articles 5 and 6 in relation to an individual core platform service identified pursuant to Article 3(7), where such exemption is justified on the grounds set out in paragraph 2 of this Article. The Commission shall adopt the exemption decision at the latest 3 months after receiving a complete reasoned request.

Amendment

1. The Commission may on its own initiative, by decision adopted in accordance with the advisory procedure referred to in Article 32(4), exempt it, in whole or in part, from a specific obligation laid down in Articles 5 and 6 in relation to an individual core platform service identified pursuant to Article 3(7), where such exemption is justified on the grounds set out in paragraph 2 of this Article. The Commission shall adopt the exemption decision at the latest 3 months after receiving a complete reasoned request.

Or. en

Amendment 906
Deirdre Clune

Proposal for a regulation

Article 9 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. An exemption pursuant to paragraph 1 may **only** be granted on grounds **of**:

2. An exemption pursuant to paragraph 1 may be granted on **public interest** grounds **including**:

Or. en

Justification

Grounds for exemption too narrow to future proof the proposal

Amendment 907

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

Proposal for a regulation

Article 9 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) public morality;

deleted

Or. fr

Amendment 908

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi
on behalf of the ID Group
Christine Anderson

Proposal for a regulation

Article 9 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) public morality;

deleted

Or. en

Amendment 909

Deirdre Clune

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

Text proposed by the Commission

Amendment

2a. An exemption pursuant to paragraph 1 may also be granted to enable the gatekeeper to

(a) Ensure data security;

(b) protect trade secrets or;

(c) achieve compliance with any other EU legislation

Or. en

Justification

The Commission, as chief enforcer of the Regulation still has full discretion to grant an exemption.

Amendment 910
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission may, acting on a reasoned request by a gatekeeper or on its own initiative, provisionally suspend the application of the relevant obligation to one or more individual core platform services already prior to the decision pursuant to paragraph 1.

deleted

In assessing the request, the Commission shall take into account, in particular, the impact of the compliance with the specific obligation on the grounds in paragraph 2 as well as the effects on the gatekeeper concerned and on third parties. The suspension may be made subject to conditions and obligations to be defined by the Commission in order to ensure a fair balance between the goals pursued by the grounds in paragraph 2 and the

objectives of this Regulation. Such a request may be made and granted at any time pending the assessment of the Commission pursuant to paragraph 1.

Or. en

Amendment 911

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 9 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where the exemption is granted pursuant paragraph 1, the Commission shall review its exemption decision every year. Following such a review, the Commission shall either lift the exemption or decide that the conditions of paragraph 1 continue to be met.

Or. en

Amendment 912

Adam Bielan, Eugen Jurzyca, Kosma Złotowski

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Updating obligations for gatekeepers

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations addressing practices that limit the

contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.

2. A practice within the meaning of paragraph 1 shall be considered to be unfair or limit the contestability of core platform services where:

(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users; or

(b) the contestability of markets is weakened as a consequence of such a practice engaged in by gatekeepers.

Or. en

Amendment 913

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

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new ***additional*** obligations addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6. ***Suchan update should only enable the Commission to add new obligations or prohibitions to this Regulation but not to eliminate current obligations or***

prohibitions.

Or. en

Amendment 914

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations ***addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.***

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, ***for reasons of public interest or*** based on a market investigation pursuant to Article 17, it has identified the need for new obligations.

Or. en

Amendment 915

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.

Amendment

1. The Commission is empowered, ***on a proposal from the High-Level Group,*** to adopt delegated acts in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid

down in Articles 5 and 6.

Or. fr

Amendment 916

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

Proposal for a regulation **Article 10 – paragraph 1**

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to update the **existing** obligations laid down in Articles 5 and 6, **and add obligations** where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.

Or. en

Amendment 917

Andreas Schwab

Proposal for a regulation **Article 10 – paragraph 1**

Text proposed by the Commission

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to **update** the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need **for new** obligations **addressing** practices that limit the contestability of core platform services or are unfair in the same way as the

Amendment

1. The Commission is empowered to adopt delegated acts in accordance with Article 34 to **supplement or amend** the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need **to update those** obligations **to address** practices that limit the contestability of core platform services or

practices addressed by the obligations laid down in Articles 5 and 6.

are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.

Or. en

Amendment 918
Ivan Štefanec

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

1. The Commission is empowered to adopt *delegated acts* in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.

Amendment

1. The Commission is empowered to adopt *legislative proposals* in accordance with Article 34 to update the obligations laid down in Articles 5 and 6 where, based on a market investigation pursuant to Article 17, it has identified the need for new obligations addressing practices that limit the contestability of core platform services or are unfair in the same way as the practices addressed by the obligations laid down in Articles 5 and 6.

Or. en

Justification

It should be clarified that the Commission may not, via a delegated act procedure, remove any existing obligations adopted under Articles 5 and 6 (via the ordinary legislative procedure).

Amendment 919
Andrus Ansip, Svenja Hahn, Dita Charanzová, Sandro Gozi, Stéphanie Yon-Courtin, Vlad-Marius Botoș, Stéphane Séjourné, Karen Melchior

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The delegated acts that update the obligations laid down in Articles 5 and 6

in accordance with the first subparagraph shall be limited to:

(a) extending any obligation that applies to a certain core platform service or to any other core platform service listed in point (2) of Article 2;

(b) specifying the manner in which the obligations of the gatekeepers under Articles 5 and 6 are to be implemented, including through the incorporation of specifications under point (2) of Article 7 into the obligations;

(c) extending any obligation that identifies a certain subset of users as beneficiaries to any other subset of users as beneficiaries;

(d) supplementing or amending the obligations with a view to improving the effectiveness of the application of those obligations and preventing their circumvention.

Or. en

Amendment 920
Andreas Schwab

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. A delegated act which supplements the obligations in accordance with the first sub-paragraph shall be limited to:

(a) the extent to which an obligation applies to certain core platform services;

(b) the extent to which an obligation applied only to a subset of business users or end users; and

(c) how the obligations shall be performed in order to ensure the effectiveness of those obligations;

A delegated act which amends the obligations in accordance with the first sub-paragraph shall be limited to the amendment of the addition of new obligations.

Or. en

Amendment 921
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. *A practice within the meaning of paragraph 1 shall be considered to be unfair or limit the contestability of core platform services where:*

deleted

(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users; or

(b) the contestability of markets is weakened as a consequence of such a practice engaged in by gatekeepers.

Or. en

Amendment 922
Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 10 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to

(a) there is an imbalance of rights and obligations on business users *or end users* and the gatekeeper is obtaining an advantage from business users *or end*

the service provided by the gatekeeper to business users; or

users that is disproportionate to the service provided by the gatekeeper to business *users or end* users; or

Or. fr

Amendment 923

Clara Ponsatí Obiols

Proposal for a regulation

Article 10 – paragraph 2 – point a

Text proposed by the Commission

(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users; or

Amendment

(a) there is an imbalance of rights and obligations on business users *or end users*, and the gatekeeper is obtaining an advantage from business *users or end* users that is disproportionate to the service provided by the gatekeeper to business users *or end users*; or

Or. en

Amendment 924

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 10 – paragraph 2 – point a

Text proposed by the Commission

(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users; or

Amendment

(a) there is an imbalance of rights and obligations on *end users or* business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users; or

Or. en

Amendment 925

Evelyne Gebhardt, Alex Agius Saliba, Adriana Maldonado López, Maria Grapini, Marc

Angel, Monika Beňová, Andreas Schieder, Christel Schaldemose, Isabel Santos, Maria-Manuel Leitão-Marques, Petra Kammerevert

Proposal for a regulation

Article 10 – paragraph 2 – point a

Text proposed by the Commission

(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users; or

Amendment

(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users **or end users**; or

Or. en

Amendment 926

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 2 – point a

Text proposed by the Commission

(a) there is an imbalance of rights and obligations on business users and the gatekeeper is obtaining an advantage **from business users** that is disproportionate to the service provided by the gatekeeper **to** business users; or

Amendment

(a) there is an imbalance of rights and obligations on business users and **end users, and** the gatekeeper is obtaining an advantage that is disproportionate to the service provided by the gatekeeper **either on business or end** users; or

Or. en

Amendment 927

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 10 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) there is an imbalance of rights and obligations on business users **and** the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users; or

(a) there is an imbalance of rights and obligations on business users **or** the gatekeeper is obtaining an advantage from business users that is disproportionate to the service provided by the gatekeeper to business users; or

Or. en

Amendment 928

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

Proposal for a regulation

Article 10 – paragraph 2 – point b

Text proposed by the Commission

(b) the contestability of markets is weakened as a consequence of such a practice engaged in by gatekeepers.

Amendment

(b) the contestability of markets is weakened as a consequence of such a practice engaged in by gatekeepers, ***in particular where businesses operating in the digital market, including innovative players and European digital businesses or SMEs, are hindered.***

Or. fr

Amendment 929

Alex Agius Saliba, Marc Angel, Sylvie Guillaume, Maria Grapini, Brando Benifei

Proposal for a regulation

Article 10 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the rights of users in relation to their privacy and equal access and choice to services, including for users with disabilities, is not guaranteed.

Or. en

Justification

Protecting rights of consumers, including of consumers with disabilities should be one of the core responsibilities of the EU, not least because consumers are often in the most disadvantaged position to defend their rights, especially against gatekeepers many of which are global corporations. EU (and Member States) should assume stronger position to defend these rights, and the text of the DMA should emphasise that.

Amendment 930

Jordi Cañas, Andrus Ansip

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the undertaking to which the gatekeeper belongs, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Amendment

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the ***gatekeeper or any part of the*** undertaking to which the gatekeeper belongs, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature, ***including through product design or by presenting end user choices in a non-neutral manner, or by otherwise subverting or impairing user autonomy, decision-making, or choice via the structure, function or manner of operation of a user interface or a part thereof.***

Or. en

Amendment 931

Vlad-Marius Botos

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services **designated** pursuant to Article 3, their implementation shall not be undermined by any behaviour of the undertaking to which the gatekeeper belongs, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Amendment

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core **and ancillary** platform services, **respectively** pursuant to Article 3 **and Article 2 (point 14)**, their implementation shall not be undermined by any behaviour of the **gatekeeper itself or of any third party belonging to the same** undertaking to which the gatekeeper belongs, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Or. en

Amendment 932

Andrea Caroppo, Salvatore De Meo

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services **designated** pursuant to Article 3, their implementation shall not be undermined by any behaviour of the **undertaking to which the gatekeeper belongs**, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Amendment

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core **and ancillary** platform services, **respectively** pursuant to Article 3 **and Article 2 (point 14)**, their implementation shall not be undermined by any behaviour of the gatekeeper **itself or any third party belonging to the same undertaking**, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Or. en

Amendment 933

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the undertaking to which the gatekeeper belongs, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Amendment

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the undertaking to which the gatekeeper belongs, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature, ***including product design, structure, function or manner of operation capable of influencing user choice and autonomy or through agreements with third party business partners of the gatekeepers.***

Or. en

Amendment 934

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 11 – paragraph 1

Text proposed by the Commission

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the undertaking to which the gatekeeper belongs, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Amendment

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with ***by the gatekeeper themselves as well as undertakings which they belong.*** While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the undertaking to which the gatekeeper belongs, regardless of

whether this behaviour is of a contractual, commercial, technical or any other nature.

Or. en

Amendment 935

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 11 – paragraph 1

Text proposed by the Commission

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the ***undertaking to which the gatekeeper belongs***, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Amendment

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core ***and ancillary*** platform services designated pursuant to Article 3 ***and to Article 2 (1) (14)*** their implementation shall not be undermined by any behaviour of the gatekeeper ***or any third party belonging to the same undertaking***, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Or. en

Amendment 936

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 11 – paragraph 1

Text proposed by the Commission

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the

Amendment

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the

obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, ***their implementation shall not be undermined by any behaviour of the*** undertaking to which the gatekeeper belongs, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, ***a gatekeeper, including any*** undertaking to which the gatekeeper belongs, ***shall not engage in any behaviour*** regardless of whether this behaviour is of a contractual, commercial, technical or any other nature ***that would undermine these obligations.***

Or. en

Amendment 937

Maria Grapini, Marc Angel

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the ***undertaking to which the gatekeeper belongs***, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Amendment

1. A gatekeeper shall ensure that the obligations of Articles 5 and 6 are fully and effectively complied with. While the obligations of Articles 5 and 6 apply in respect of core platform services designated pursuant to Article 3, their implementation shall not be undermined by any behaviour of the gatekeeper ***itself or of any third party belonging to the same undertaking***, regardless of whether this behaviour is of a contractual, commercial, technical or any other nature.

Or. en

Amendment 938

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Where consent for collecting and processing of personal data is required to

Amendment

2. Where consent for collecting and processing of personal data is required to

ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services. ***Where consent is directly expressed by the end-user at the level of the services or products offered by the business user through the relevant core platform service, it shall prevail over any consent provided at the gatekeeper level.***

Or. en

Amendment 939

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

Proposal for a regulation **Article 11 – paragraph 2**

Text proposed by the Commission

2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than

Amendment

2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than

for its own services.

for its own services ***including product design, structure, function or manner of operation capable of influencing user choice and autonomy or through agreements with third party business partners of the gatekeepers.***

Or. en

Amendment 940

Geoffroy Didier, Nathalie Colin-Oesterlé

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. Where consent for collecting ***and processing of*** personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, ***or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate.*** The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

Amendment

2. Where consent for collecting personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain ***at the level of their own services or products*** the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services. ***In case consent is directly expressed by the end-user at the level of the services offered by the business user through the relevant core platform service, it shall prevail over any consent provided at the gatekeeper level.***

Or. en

Justification

The DMA must ensure that media organizations have access to meaningful data related to their own content and services that appear on platforms. We applaud the proposal to grant business users such access, but we warn against any loophole enabling platforms to escape the obligation to share data (e.g. by ‘nudging’ end users into refusing to share personal data with business users).

Therefore, our proposed amendments aim to:

- Oblige gatekeeper platforms to either (i) obtain end-users' consent on behalf of business users for the data sharing (through general privacy settings of the core platform service), or (ii) to enable business users to obtain end-users' consent directly (at the level of their own services on the platform, e.g. a public service media's page on a social network).

- Guarantee that business users can obtain consent under the same conditions as the gatekeeper platform to avoid unfair treatment.

- Ensure that consent provided by an end-user to a specific business user prevails over decisions made at the gatekeeper platform's level, if the two differ.

Also, business users should be exempted from additional consent requirements in certain specific cases, e.g. when a business user can rely on a legal obligation or carries out a task in the public interest, in the sense of articles 6(1)c and 6(1)e GDPR. This may be the case for public service media financed by licence fees, that must reach all citizens and represent them adequately.

Amendment 941

Maria Grapini

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

Amendment

2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain ***at the level of their own services or products***, the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

Or. en

Amendment 942

Andrey Kovatchev

**Proposal for a regulation
Article 11 – paragraph 2**

Text proposed by the Commission

2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

Amendment

2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or, ***if the consent is not obtained***, to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

Or. en

Amendment 943

Leszek Miller, Monika Beňová

**Proposal for a regulation
Article 11 – paragraph 2**

Text proposed by the Commission

2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data

Amendment

2. Where consent for collecting and processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or, ***if the consent is not obtained***, to comply with Union data protection and privacy rules and principles in other ways including by providing

where appropriate. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

business users with duly anonymised data. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

Or. en

Amendment 944

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 11 – paragraph 2

Text proposed by the Commission

2. Where consent for collecting *and* processing of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data *where appropriate*. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

Amendment

2. Where consent for collecting, processing *and sharing* of personal data is required to ensure compliance with this Regulation, a gatekeeper shall take the necessary steps to either enable business users to directly obtain the required consent to their processing, where required under Regulation (EU) 2016/679 and Directive 2002/58/EC, or to comply with Union data protection and privacy rules and principles in other ways including by providing business users with duly anonymised data. The gatekeeper shall not make the obtaining of this consent by the business user more burdensome than for its own services.

Or. en

Amendment 945

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult.

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult. ***The gatekeeper 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 while exercising those rights or specific choices.***

Or. en

Amendment 946
Jordi Cañas, Andrus Ansip

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult.

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult, ***including by presenting end-user choices in a non-neutral manner, or by otherwise subverting or impairing user autonomy, decision-making, or choice via the structure, function or manner of operation of a user interface or a part thereof.***

Or. en

Amendment 947
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 11 – paragraph 3

Text proposed by the Commission

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult.

Amendment

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult, ***including by offering choices to the end-user in a non-neutral manner, or by subverting user's autonomy, decision-making, or choice via the structure, function or manner of operation of a user interface or a part thereof.***

Or. en

Amendment 948
Clara Ponsatí Obiols

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult.

Amendment

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult, ***in particular through the use of so called “dark patterns”, which present choices in a non-neutral manner or otherwise seek to subvert their decision making.***

Or. en

Amendment 949

Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, 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 11 – paragraph 3**

Text proposed by the Commission

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult.

Amendment

3. A gatekeeper shall not degrade the conditions or quality of any of the core platform services provided to business users or end users who avail themselves of the rights or choices laid down in Articles 5 and 6, or make the exercise of those rights or choices unduly difficult, ***including through the use of “dark patterns” or manipulative choice architects.***

Or. en

Amendment 950

Evelyne Gebhardt, Alex Agius Saliba, 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 11 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. A gatekeeper shall not use manipulative choice architectures in order to obstruct or dissuade end users from switching to software applications and services, engage in practices that aim at preventing the de-installation of pre-installed apps by purposely increasing their technical integration with other system components, nor directly or indirectly circumvent any of the obligations laid down in Articles 5 and 6.

Or. en

Amendment 951

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

Proposal for a regulation

Article 12 – title

Text proposed by the Commission

Amendment

12 ***Obligation to inform about***
concentrations

12 ***Prior notification of*** concentrations

Or. en

Amendment 952

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 12 – title

Text proposed by the Commission

Amendment

Obligation to inform about concentrations

Concentrations

Or. en

Amendment 953

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 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. A gatekeeper shall ***inform*** the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 ***involving another provider of core platform services or of any other services provided in the digital sector*** irrespective of whether it is

1. A gatekeeper shall ***notify*** the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent

notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.

national competition authority under national merger rules.

Or. en

Amendment 954

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. A gatekeeper shall inform the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 ***involving another provider of core platform services or of any other services provided in the digital sector*** irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.

Amendment

1. A gatekeeper shall inform the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.

Or. en

Amendment 955

Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. A gatekeeper shall inform the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 ***involving another provider of core platform services or of any other services provided in the digital sector*** irrespective of whether it is notifiable to a Union competition authority

Amendment

1. A gatekeeper shall inform the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under

under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.

national merger rules.

Or. en

Amendment 956

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

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. A gatekeeper shall **inform** the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 **involving another provider of core platform services or of any other services provided in the digital sector** irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.

Amendment

1. A gatekeeper shall **notify to** the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.

Or. en

Amendment 957

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

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. A gatekeeper shall inform the Commission of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 involving another provider of core platform services or of any other services provided in the digital sector irrespective of whether it is

Amendment

1. A gatekeeper shall inform the Commission **and the competent national authorities** of any intended concentration within the meaning of Article 3 of Regulation (EC) No 139/2004 involving another provider of core platform services or of any other services provided in the

notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.

digital sector irrespective of whether it is notifiable to a Union competition authority under Regulation (EC) No 139/2004 or to a competent national competition authority under national merger rules.

Or. fr

Amendment 958

Andreas Schieder, Evelyne Gebhardt, Marc Angel, Alex Agius Saliba

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

A gatekeeper shall inform the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.

Amendment

A gatekeeper shall inform the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.

Regulation (EC) No 139/2004 applies to these concentrations, with the exception of the provisions on turnover thresholds (Article 1).

Or. en

Justification

Article 12 provides the Commission with a good overview of concentration trends in the digital sector. However, decisions on prohibitions, or conditions such as a ban on further company acquisitions are not possible under the terms of this Regulation. A suitable instrument should be available at EU level in order to prevent “killing mergers”. If necessary, the EC Merger Regulation (ECMR) should be applicable for those cases.

Amendment 959

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 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

A gatekeeper shall **inform** the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.

Amendment

A gatekeeper shall **notify** the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest, **in accordance with the procedure set out in Regulation (EC) No 139/2004.**

Or. en

Amendment 960

Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

A gatekeeper shall inform the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.

Amendment

A gatekeeper shall inform the Commission of such a concentration **at least 2 months** prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.

Or. en

Amendment 961

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

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

A gatekeeper shall **inform** the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.

Amendment

A gatekeeper shall **notify** the Commission of such a concentration prior to its implementation and following the conclusion of the agreement, the announcement of the public bid, or the acquisition of a controlling interest.

Amendment 962

Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi

Proposal for a regulation

Article 12 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall make this information available to national competition authorities.

Amendment 963

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 12 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Amendment 964

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 965

Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 966

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

Proposal for a regulation
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission should assess the impact on any intended concentration on the contestability of markets by taking into account, inter alia, the elements laid down in Article 3(6). If, following this assessment, it is demonstrated that a concentration would weaken the contestability of markets, the Commission shall impose proportionate behavioural or structural remedies to ensure compliance with this Regulation.

Or. en

Amendment 967

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

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. If, following any concentration as provided in paragraph 1, additional core platform services individually satisfy the thresholds in point (b) of Article 3(2), the gatekeeper concerned shall inform the Commission thereof within three months from the implementation of the concentration and provide the Commission with the information referred to in Article 3(2).

3. If, following any concentration as provided in paragraph 1, **it is demonstrated that** additional core platform services individually satisfy the thresholds in point (b) of Article 3(2), the gatekeeper concerned shall inform the Commission thereof within three months from the implementation of the concentration and provide the Commission with the information referred to in Article 3(2).

Or. en

Amendment 968

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 12 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. The information gathered pursuant this Article may be used in parallel competition cases, especially for purposes of merger control.

Or. en

**Amendment 969
Martin Schirdewan, Anne-Sophie Pelletier**

**Proposal for a regulation
Article 12 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. 4. The Commission shall publish annually the list of acquisitions of which it has been informed by gatekeepers.

Or. en

**Amendment 970
Evelyne Gebhardt, Alex Agius Saliba, 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 12 – paragraph 3 b (new)**

Text proposed by the Commission

Amendment

3b. If an undertaking is to be considered a gatekeeper according to Article 3 of this Regulation for longer than 2 years, any concentration shall be forbidden, unless it is compatible with the internal market because it does not impede effective competition; the burden

of proof for compatibility with the internal market lies on the gatekeeper.

Or. en

Justification

Please indicate whether you prefer 2 or 3 years.

Amendment 971

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

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually.

Amendment

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually. ***The Commission shall develop, in consultation with the EU Data Protection Supervisor, the European Data Protection Board, civil society and experts, the standards and process of the audit.***

The audited description, as well as any relevant materials that is collected in the context of supervising the gatekeepers that relate to the processing of personal data, shall be shared by the Commission with any competent supervisory authority represented in the European Data Protection Board, upon its request.

Or. en

Amendment 972

Andreas Schieder, Marc Angel

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually.

Amendment

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually. ***The description shall also include information on whether users are shown different prices depending on individual (as defined in Directive 2011/83/EU, Art 6(1) ii) ea) or target group-specific factors, in particular devices used and geographical locations. Where applicable, the platform shall make reference to these factors in a clearly visible manner.***

Or. en

Amendment 973
Stéphanie Yon-Courtin, Stéphane Séjourné, Sandro Gozi

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually.

Amendment

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. ***The gatekeeper shall make publicly available an overview of the audited description taking into account the limitations imposed by the requirements of business secrecy. This***

description and its publicly available overview shall be updated at least annually. This description shall be updated at least annually.

Or. en

Amendment 974

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually.

Amendment

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any ***employment of data-intelligence to coordinate, organize and control the entire set of activities and actors involved including*** techniques for profiling of consumers, ***especially in view of pricing, offers and ranking*** that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually.

Or. en

Amendment 975

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 13 – paragraph 1

Text proposed by the Commission

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an

Amendment

Within six months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission ***and Data***

independently audited description of any techniques for profiling of consumers that the gatekeeper applies to **or across its core** platform services identified pursuant to Article 3. This description shall be updated at least annually.

Protection Authorities an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to **any** platform services identified pursuant to Article 3 **and make them publicly available**. This description shall be updated at least annually.

Or. en

Amendment 976

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation Article 13 – paragraph 1

Text proposed by the Commission

Within **six** months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually.

Amendment

Within **three** months after its designation pursuant to Article 3, a gatekeeper shall submit to the Commission an independently audited description of any techniques for profiling of consumers that the gatekeeper applies to or across its core platform services identified pursuant to Article 3. This description shall be updated at least annually.

Or. fr

Amendment 977

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. When the Commission intends to carry out a market investigation in view of the possible adoption of decisions pursuant to Articles 15, 16 and 17, it shall adopt a decision opening a market investigation.

Amendment

1. When the Commission intends to carry out a market investigation in view of the possible adoption of decisions pursuant to Articles 15, 16 and 17, it **may consider the advise of end users and civil society organisations, and** shall adopt a decision opening a market investigation.

Amendment 978
Clara Ponsatí Obiols

Proposal for a regulation
Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Consumer organizations, business organizations and other civil society organizations or any third party with a legitimate interest may request the Commission to open a market investigation pursuant to Articles 15, 16 and 17 if they consider that there are reasonable grounds for such an investigation.

Or. en

Amendment 979
Virginie Joron, Alessandra Basso, Markus Buchheit, Isabella Tovaglieri, Jean-Lin Lacapelle

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission may conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall endeavour to conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within **twelve** months from the opening of the market investigation.

1. The Commission may conduct a market investigation, **on which it shall cooperate with the competent national authorities**, for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall endeavour to conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within **six** months from the opening of the market

investigation.

Or. fr

Amendment 980

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. The Commission may conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall endeavour to conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within twelve months from the opening of the market investigation.

Amendment

1. The Commission, ***acting on a complaint or on its own initiative***, may conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall endeavour to conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within twelve months from the opening of the market investigation.

Or. en

Amendment 981

Geoffroy Didier

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. The Commission ***may*** conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall endeavour to conclude its

Amendment

1. The Commission ***must*** conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall endeavour to conclude its

investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within twelve months from the opening of the market investigation.

investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within twelve months from the opening of the market investigation.

Or. en

Amendment 982

Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, 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 15 – paragraph 1

Text proposed by the Commission

1. The Commission **may** conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall **endeavour to** conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within twelve months from the opening of the market investigation.

Amendment

1. The Commission **shall** conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within twelve months from the opening of the market investigation.

Or. en

Amendment 983

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

1. The Commission may conduct a market investigation for the purpose of examining whether a provider of core

Amendment

1. The Commission may conduct a market investigation for the purpose of examining whether a provider of core

platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall *endeavour to* conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within *twelve* months from the opening of the market investigation.

platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within *six* months from the opening of the market investigation.

Or. en

Amendment 984

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

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

Text proposed by the Commission

1. The Commission may conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall *endeavour to* conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within *twelve* months from the opening of the market investigation.

Amendment

1. The Commission may conduct a market investigation for the purpose of examining whether a provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6), or in order to identify core platform services for a gatekeeper pursuant to Article 3(7). It shall conclude its investigation by adopting a decision in accordance with the advisory procedure referred to in Article 32(4) within *six* months from the opening of the market investigation.

Or. en

Amendment 985

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation **Article 15 – paragraph 2**

Text proposed by the Commission

Amendment

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to the provider of core platform services concerned within six months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

deleted

Or. en

Amendment 986

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 15 – paragraph 2

Text proposed by the Commission

Amendment

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to the provider of core platform services concerned *within* six months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to the provider of core platform services concerned ***as soon as possible, and in any case no later than*** six months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

Or. en

Amendment 987

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to the provider of core platform services concerned within **six** months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

Amendment

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to the provider of core platform services concerned within **three** months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

Or. fr

Amendment 988
Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to the provider of core platform services concerned within **six** months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

Amendment

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall endeavour to communicate its preliminary findings to the provider of core platform services concerned within **three** months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

Or. en

Amendment 989

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

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall **endeavour to** communicate its preliminary findings to the provider of core platform services concerned within **six** months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

Amendment

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the provider of core platform services concerned within **three** months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

Or. en

Amendment 990

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 15 – paragraph 2

Text proposed by the Commission

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall **endeavour to** communicate its preliminary findings to the provider of core platform services concerned within six months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

Amendment

2. In the course of a market investigation pursuant to paragraph 1, the Commission shall communicate its preliminary findings to the provider of core platform services concerned within six months from the opening of the investigation. In the preliminary findings, the Commission shall explain whether it considers, on a provisional basis, that the provider of core platform services should be designated as a gatekeeper pursuant to Article 3(6).

Or. en

Amendment 991

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

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. *Where the provider of core platform services satisfies the thresholds set out in Article 3(2), but has presented significantly substantiated arguments in accordance with Article 3(4), the Commission shall endeavour to conclude the market investigation within five months from the opening of the market investigation by a decision pursuant to paragraph 1. In that case the Commission shall endeavour to communicate its preliminary findings pursuant to paragraph 2 to the provider of core platform services within three months from the opening of the investigation.* **deleted**

Or. en

Amendment 992

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

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. *Where the provider of core platform services satisfies the thresholds set out in Article 3(2), but has presented significantly substantiated arguments in accordance with Article 3(4), the Commission shall endeavour to conclude the market investigation within five months from the opening of the market investigation by a decision pursuant to* **deleted**

paragraph 1. In that case the Commission shall endeavour to communicate its preliminary findings pursuant to paragraph 2 to the provider of core platform services within three months from the opening of the investigation.

Or. en

Amendment 993
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the provider of core platform services satisfies the thresholds set out in Article 3(2), but has presented significantly substantiated arguments in accordance with Article 3(4), the Commission shall endeavour to conclude the market investigation within five months from the opening of the market investigation by a decision pursuant to paragraph 1. In that case the Commission shall endeavour to communicate its preliminary findings pursuant to paragraph 2 to the provider of core platform services within three months from the opening of the investigation.

deleted

Or. en

Amendment 994
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 15 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the provider of core platform services satisfies the thresholds set out in Article 3(2), but has presented significantly substantiated arguments in accordance with Article 3(4), the Commission shall endeavour to conclude the market investigation *within* five months from the opening of the market investigation by a decision pursuant to paragraph 1. In that case the Commission shall endeavour to communicate its preliminary findings pursuant to paragraph 2 to the provider of core platform services *within* three months from the opening of the investigation.

3. Where the provider of core platform services satisfies the thresholds set out in Article 3(2), but has presented significantly substantiated arguments in accordance with Article 3(4), the Commission shall endeavour to conclude the market investigation *as soon as possible, and in any case no later than* five months from the opening of the market investigation by a decision pursuant to paragraph 1. In that case the Commission shall endeavour to communicate its preliminary findings pursuant to paragraph 2 to the provider of core platform services *as soon as possible, and in any case no later than* three months from the opening of the investigation.

Or. en

Amendment 995

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 15 – paragraph 4

Text proposed by the Commission

Amendment

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper only obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its

deleted

operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Or. en

Amendment 996

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 15 – paragraph 4

Text proposed by the Commission

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper only obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision. ***The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.***

Amendment

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper only obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision.

Or. en

Amendment 997

Andreas Schieder, Evelyne Gebhardt, Alex Agius Saliba

Proposal for a regulation

Article 15 – paragraph 4

Text proposed by the Commission

4. When the Commission pursuant to

Amendment

4. When the Commission pursuant to

Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper *only* obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as *specified* in the designation decision. ***The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations.*** The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper *the* obligations laid down in Article 5 and Article 6 in the designation decision. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Or. en

Justification

it would be unjustifiable if smaller gatekeepers could continue competition-distorting practices and not have to comply with the obligations set out in Articles 5 and 6.

Amendment 998

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

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

Text proposed by the Commission

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper only obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision. The Commission shall only declare applicable

Amendment

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future ***based on a notification in line with Article 12(1)***, it shall declare applicable to that gatekeeper only obligations laid down in Article 5 and Article 6 as specified in the designation decision. The Commission shall only

those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Or. en

Amendment 999
Pilar del Castillo Vera

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper only obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Amendment

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but, ***after giving the provider the possibility to express its views***, it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper only obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Or. en

Amendment 1000
Geoffroy Didier, Nathalie Colin-Oesterlé

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper **only** obligations laid down in Article 5(b) and Article 6(1) **points (e), (f), (h) and (i)** as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Amendment

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper obligations laid down in Article 5 and Article 6(1) as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Or. en

Justification

Digital markets move at a very fast pace and markets may ‘tip’ very quickly to an emerging player that does not fulfil the quantitative conditions set in Article 3(2). This is why the DMA allows the Commission to adopt a decision designating to such players a ‘gatekeeper status’. Because digital markets have a dynamic character, the DMA should not limit the obligations set out in Articles 5 and 6(1). The DMA should rather ensure that, in adopting a designation decision, the Commission may impose on platforms all obligations established in the DMA.

Amendment 1001

Evelyne Gebhardt, Alex Agius Saliba, 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 15 – paragraph 4

Text proposed by the Commission

4. When the Commission pursuant to

Amendment

4. When the Commission pursuant to

Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper **only** obligations laid down in **Article 5(b) and Article 6(1) points (e), (f), (h) and (i)** as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper **the** obligations laid down in **this Regulation** as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the procedure laid down in Article 4.

Or. en

Amendment 1002

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

Proposal for a regulation Article 15 – paragraph 4

Text proposed by the Commission

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper **only** obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the

Amendment

4. When the Commission pursuant to Article 3(6) designates as a gatekeeper a provider of core platform services that does not yet enjoy an entrenched and durable position in its operations, but it is foreseeable that it will enjoy such a position in the near future, it shall declare applicable to that gatekeeper **at least the** obligations laid down in Article 5(b) and Article 6(1) points (e), (f), (h) and (i) as specified in the designation decision. The Commission shall only declare applicable those obligations that are appropriate and necessary to prevent that the gatekeeper concerned achieves by unfair means an entrenched and durable position in its operations. The Commission shall review such a designation in accordance with the

procedure laid down in Article 4.

procedure laid down in Article 4.

Or. en

Amendment 1003

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

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

16 Market investigation into
systematic non-compliance

16 Market investigation into
systematic non-compliance *or*
concentration that weakens the
contestability of markets

Or. en

Amendment 1004

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 16 – title

Text proposed by the Commission

Amendment

Market investigation into *systematic* non-
compliance

Market investigation into non-compliance

Or. en

Amendment 1005

**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 16 – paragraph 1

Text proposed by the Commission

Amendment

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision *within* twelve months from the opening of the market investigation.

1. ***The Commission may conduct a market investigation for the purpose of examining whether a gatekeeper has engaged in systematic non-compliance.*** Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall, ***where appropriate, be entitled to require the remedies to be tested to optimise their effectiveness. The Commission shall*** conclude its investigation by adopting a decision ***as soon as possible, and in any case no later than*** twelve months from the opening of the market investigation.

Or. en

Amendment 1006

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which

Amendment

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which

are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within *twelve* months from the opening of the market investigation.

are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within *six* months from the opening of the market investigation. ***This provision shall be without prejudice to third-party liability or proceedings under national law in the event of intentional non-compliance or gross negligence.***

Or. fr

Amendment 1007

Dita Charanzová, Andrus Ansip

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 ***and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1)***, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within twelve months from the opening of the market investigation.

Amendment

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within twelve months from the opening of the market investigation.

Or. en

Amendment 1008

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 16 – paragraph 1**

Text proposed by the Commission

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 **and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1)**, the Commission **may** by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within **twelve** months from the opening of the market investigation.

Amendment

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6, the Commission **shall** by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure **full** compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within **six** months from the opening of the market investigation.

Or. en

Amendment 1009

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

**Proposal for a regulation
Article 16 – paragraph 1**

Text proposed by the Commission

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any

Amendment

1. Where the market investigation, **initiated by the Commission following a complaint or on its own initiative**, shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the

behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within twelve months from the opening of the market investigation.

advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within twelve months from the opening of the market investigation.

Or. en

Amendment 1010

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

1. Where the market investigation shows that a gatekeeper has ***systematically*** infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural ***or structural*** remedies ***which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation***. The Commission shall conclude its investigation by adopting a decision within ***twelve*** months from the opening of the market investigation.

Amendment

1. Where the market investigation shows that a gatekeeper has infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any ***structural or equally effective*** behavioural remedies. The Commission shall conclude its investigation by adopting a decision within ***six*** months from the opening of the market investigation.

Or. en

Amendment 1011

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

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 **and has further strengthened or extended its gatekeeper position in relation to the characteristics** under Article 3(1), the Commission **may** by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within **twelve** months from the opening of the market investigation.

Amendment

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 **or where the Commission assesses** under Article 12 **that any intended concentration has an adverse impact on the contestability of markets**, the Commission **shall** by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within **six** months from the opening of the market investigation.

Or. en

Amendment 1012
Antonius Manders, Axel Voss

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 **and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1)**, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper **any** behavioural or structural remedies which are **proportionate to** the infringement

Amendment

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper behavioural or structural remedies which are **effective. The measures must be aimed at bringing the infringement found to an end, depriving the gatekeeper of the benefits derived from the infringement**

committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within twelve months from the opening of the market investigation.

and ensuring that the infringement does not have restrictive effects on competition. The Commission shall conclude its investigation by adopting a decision within twelve months from the opening of the market investigation.

Or. en

Amendment 1013
Geoffroy Didier

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within **twelve** months from the opening of the market investigation.

Amendment

1. Where the market investigation shows that a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural or structural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation. The Commission shall conclude its investigation by adopting a decision within **six** months from the opening of the market investigation.

Or. en

Amendment 1014

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

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. *The Commission may only impose structural remedies pursuant to paragraph 1 either where there is no equally effective behavioural remedy or where any equally effective behavioural remedy would be more burdensome for the gatekeeper concerned than the structural remedy.* **deleted**

Or. en

Amendment 1015

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. *The Commission may only impose structural remedies pursuant to paragraph 1 either where there is no equally effective behavioural remedy or where any equally effective behavioural remedy would be more burdensome for the gatekeeper concerned than the structural remedy.* **deleted**

Or. en

Amendment 1016

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

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission may **only** impose structural remedies pursuant to paragraph 1 **either** where **there is no equally** effective behavioural **remedy or where any equally**

2. The Commission may **also** impose structural remedies pursuant to paragraph 1 where **it considers it more** effective **than** behavioural **remedies in ensuring**

effective behavioural remedy would be more burdensome for the gatekeeper concerned than the structural remedy.

compliance with the obligations laid down in articles 5 and 6. Such structural remedies may include:

- separation of business units;*
- unbundling and horizontal division of services;*
- changes to the gatekeeper's financing model;*
- disgorging financial benefits to end-users;*

Or. en

Amendment 1017

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 16 – paragraph 2

Text proposed by the Commission

2. The Commission may *only* impose structural remedies pursuant to paragraph 1 *either where there is no equally effective behavioural remedy or where any equally effective behavioural remedy would be more burdensome for the gatekeeper concerned than the structural remedy.*

Amendment

2. The Commission may impose structural remedies pursuant to paragraph 1.

Or. fr

Amendment 1018

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 16 – paragraph 3

Text proposed by the Commission

3. *A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission*

Amendment

deleted

has issued at least three non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services within a period of five years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.

Or. en

Amendment 1019

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

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

Text proposed by the Commission

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least three non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper *in relation to any of its core platform services within a period of five years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.*

Amendment

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6 where the Commission has issued at least three non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper.

Or. fr

Amendment 1020

Geoffroy Didier

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

Text proposed by the Commission

Amendment

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least **three** non-compliance or fining **decisions** pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services ***within a period of five years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.***

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least **one** non-compliance or fining **decision** pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services.

Or. en

Amendment 1021

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

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

Text proposed by the Commission

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, ***where*** the Commission has issued at least **three** non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services within a period of ***five*** years ***prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.***

Amendment

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, ***as soon as*** the Commission has issued at least **two** non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services within a period of ***ten*** years.

Or. en

Amendment 1022

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 16 – paragraph 3

Text proposed by the Commission

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued **at least three** non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services **within a period of five years** prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.

Amendment

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued **two** non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.

Or. en

Amendment 1023
Dita Charanzová

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least three non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services within a period of **five** years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.

Amendment

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least three non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services within a period of **ten** years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.

Or. en

Amendment 1024

Andreas Schieder, Evelyne Gebhardt, Alex Agius Saliba

Proposal for a regulation

Article 16 – paragraph 3

Text proposed by the Commission

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least **three** non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services within a period of five years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.

Amendment

3. A gatekeeper shall be deemed to have engaged in a systematic non-compliance with the obligations laid down in Articles 5 and 6, where the Commission has issued at least **one** non-compliance or fining decisions pursuant to Articles 25 and 26 respectively against a gatekeeper in relation to any of its core platform services within a period of five years prior to the adoption of the decision opening a market investigation in view of the possible adoption of a decision pursuant to this Article.

Or. en

Justification

In addition to fines, it should also be possible to impose structural conditions (e.g., selling off parts of the company). The possibility of committing three acts of non-compliance before being sanctioned with structural remedies goes too far and undermines the significance of this important legal instrument.

Amendment 1025

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 16 – paragraph 4

Text proposed by the Commission

4. A gatekeeper shall be deemed to have further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), where its impact on the internal market has further increased, its importance as a

Amendment

deleted

gateway for business users to reach end users has further increased or the gatekeeper enjoys a further entrenched and durable position in its operations.

Or. en

Justification

In line with changes to Article 16 (1).

Amendment 1026

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

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

Amendment

4. A gatekeeper shall be deemed to have further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), where its impact on the internal market has further increased, its importance as a gateway for business users to reach end users has further increased or the gatekeeper enjoys a further entrenched and durable position in its operations.

deleted

Or. en

Amendment 1027

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 16 – paragraph 4

Text proposed by the Commission

Amendment

4. A gatekeeper shall be deemed to have further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), where its

4. A gatekeeper shall be deemed to have further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), where its

impact on the internal market has further increased, its importance as a gateway for business users to reach end users has further increased or the gatekeeper enjoys a further entrenched and durable position in its operations.

impact on the internal market has further increased, ***especially in new segments of the market***, its importance as a gateway for business users to reach end users has further increased or the gatekeeper enjoys a further entrenched and durable position in its operations.

Or. en

Amendment 1028

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 16 – paragraph 5

Text proposed by the Commission

5. The Commission shall communicate its objections to the gatekeeper concerned ***within*** six months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily considers necessary and proportionate.

Amendment

5. The Commission shall communicate its objections to the gatekeeper concerned ***as soon as possible, and in any case no later than*** six months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily considers necessary and proportionate.

Or. en

Amendment 1029

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation Article 16 – paragraph 5

Text proposed by the Commission

5. The Commission shall communicate its objections to the gatekeeper concerned within ***six*** months from the opening of the investigation. In its

Amendment

5. The Commission shall communicate its objections to the gatekeeper concerned within ***three*** months from the opening of the investigation. In its

objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily considers necessary and proportionate.

objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily considers necessary and proportionate.

Or. fr

Amendment 1030
Geoffroy Didier

Proposal for a regulation
Article 16 – paragraph 5

Text proposed by the Commission

5. The Commission shall communicate its objections to the gatekeeper concerned within **six** months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily considers necessary and proportionate.

Amendment

5. The Commission shall communicate its objections to the gatekeeper concerned within **three** months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily considers necessary and proportionate.

Or. en

Amendment 1031
Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 16 – paragraph 5

Text proposed by the Commission

5. The Commission shall communicate its objections to the gatekeeper concerned within **six** months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily

Amendment

5. The Commission shall communicate its objections to the gatekeeper concerned within **three** months from the opening of the investigation. In its objections, the Commission shall explain whether it preliminarily considers that the conditions of paragraph 1 are met and which remedy or remedies it preliminarily

considers necessary and proportionate.

considers necessary and proportionate.

Or. en

Amendment 1032

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 16 – paragraph 6

Text proposed by the Commission

6. The Commission may at any time during the market investigation extend its duration where the extension is justified on objective grounds and proportionate. The extension may apply to the deadline by which the Commission has to issue its objections, or to the deadline for adoption of the final decision. The total duration of any extension or extensions pursuant to this paragraph shall not exceed *six months. The Commission may consider commitments pursuant to Article 23 and make them binding in its decision.*

Amendment

6. The Commission may at any time during the market investigation extend its duration where the extension is justified on objective grounds and proportionate. The extension may apply to the deadline by which the Commission has to issue its objections, or to the deadline for adoption of the final decision. The total duration of any extension or extensions pursuant to this paragraph shall not exceed *three months.*

Or. en

Amendment 1033

Evelyne Gebhardt, 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 16 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. In order to ensure effective compliance by the gatekeeper with its obligations laid down in Articles 5 or 6, the Commission shall regularly review the remedies imposed in accordance with paragraph 1 or commitments accepted in accordance with paragraph 6. The

Commission shall be entitled to require changes to the imposed remedies if, following an investigation, it finds that the remedies are not effective.

Or. en

Amendment 1034
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

The Commission may conduct a market investigation with the purpose of examining whether one or more services within the digital sector should be added to the list of core platform services *or to detect types of practices that may limit the contestability of core platform services or may be unfair and which are not effectively addressed by this Regulation*. It shall issue a public report at the latest within **24** months from the opening of the market investigation.

Amendment

The Commission may conduct a market investigation with the purpose of examining whether one or more services within the digital sector should be added to the list of core platform services. It shall issue a public report at the latest within **12** months from the opening of the market investigation.

Or. en

Amendment 1035
Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

The Commission may conduct a market investigation with the purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or to detect types of practices that may limit the contestability of core platform services or

Amendment

The Commission, *acting on a complaint or on its own initiative*, may conduct a market investigation with the purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or to detect types of practices that may limit the

may be unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within 24 months from the opening of the market investigation.

contestability of core platform services or may be unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within 24 months from the opening of the market investigation.

Or. en

Amendment 1036

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

The Commission may conduct a market investigation with the purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or to detect types of practices that may limit the contestability of core platform services or may be unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within **24** months from the opening of the market investigation.

Amendment

The Commission may conduct a market investigation with the **High-Level Group** *with the* purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or to detect types of practices that may limit the contestability of core platform services or may be unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within **12** months from the opening of the market investigation.

Or. fr

Amendment 1037

Adam Bielan, Eugen Jurzyca, Kosma Złotowski

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

The Commission may conduct a market investigation with the purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or to

Amendment

The Commission may conduct a market investigation with the purpose of examining whether one or more services within the digital sector should be added to the list of core platform services or to

detect types of practices that may limit the contestability of core platform services or may be unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within **24** months from the opening of the market investigation.

detect types of practices that may limit the contestability of core platform services or may be unfair and which are not effectively addressed by this Regulation. It shall issue a public report at the latest within **18** months from the opening of the market investigation.

Or. en

Amendment 1038

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

A free advisory hub shall be set up within the Commission or the High-Level Group to respond informally and quickly to stakeholders' questions on this legislation and provide guidance.

Or. fr

Amendment 1039

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 17 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

Gatekeepers intending to introduce a new service or working method may make use of a fast-track procedure to receive, within three months, a preliminary opinion from the High-Level Group on whether the proposed new service or working method is likely to comply with the obligations set out in this Regulation.

Or. fr

Amendment 1040

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 17 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

Administrative costs shall be invoiced.

Depending on applications and administrative capacity, a schedule or a ceiling for applications per business may be laid down.

This opinion shall not be binding on the courts.

Or. fr

Amendment 1041

Eugen Jurzyca, Adam Bielan, Kosma Złotowski

Proposal for a regulation

Article 17 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) be accompanied by a delegated act amending Articles 5 or 6 as provided for in Article 10. ***deleted***

Or. en

Amendment 1042

Dita Charanzová

Proposal for a regulation

Article 17 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) be accompanied by a **delegated act** amending Articles 5 or 6 as provided for in ***(b) be accompanied by a **proposal to** amending Articles 5 or 6 as provided for in***

Article 10.

Article 10.

Or. en

Amendment 1043

Ivan Štefanec

Proposal for a regulation

Article 17 – paragraph 2 – point b

Text proposed by the Commission

(b) be accompanied by a ***delegated act amending*** Articles 5 or 6 as provided for in Article 10.

Amendment

(b) be accompanied by a ***proposal to amend*** Articles 5 or 6 as provided for in Article 10.

Or. en

Amendment 1044

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 17 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) The Commission shall be entitled to impose interim measures if there is a risk of serious and immediate damage for business users or end users of gatekeepers.

Or. en

Amendment 1045

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 18 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Each year, the European High-Level Group of Digital Regulators shall draw up the schedule of priority issues of great concern for investigations on the basis of complaints and available information on the development of European digital businesses.

Or. fr

Amendment 1046

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

Where the Commission intends to carry out proceedings in view of the possible adoption of decisions pursuant to Article 7, 25 and 26, it shall adopt a decision opening a proceeding.

Amendment

1. Where the Commission intends to carry out proceedings in view of the possible adoption of decisions pursuant to Article 7, 25 and 26, it shall adopt a decision opening a proceeding.

2. When the Commission adopts a decision opening a proceeding, all relevant findings and information shall be gathered in a report, which is to be presented to the European Parliament and the Member States and be made accessible publicly on the official website of the European Commission.

Or. en

Amendment 1047

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

Where the Commission intends to carry out

Amendment

Where the Commission, ***the European***

proceedings in view of the possible adoption of decisions pursuant to *Article 7*, 25 and 26, **it shall adopt** a decision opening a proceeding.

High-Level Group of Digital Regulators or a Member State intends to carry out proceedings in view of the possible adoption of decisions pursuant to ***Articles 7***, 25 and 26, a decision opening a proceeding ***shall be published***.

Or. fr

Amendment 1048
Clara Ponsatí Obiols

Proposal for a regulation
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Consumer organizations, business organizations and other civil society organizations or any third party with a legitimate interest shall have the right to submit complaints about gatekeepers violating their obligations pursuant to the Regulation.

Or. en

Amendment 1049
Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

The Commission shall set up a mechanism allowing whistleblowers or any stakeholder to provide information on the conduct of undertakings and associations of undertakings that may be relevant for the purposes of monitoring, implementing and enforcing the rules laid down in this Regulation. The Commission and national authorities shall safeguard

the anonymity of whistleblowers, assess the information provided and, where appropriate, take account of it in their deliberations.

Or. fr

Amendment 1050

Evelyne Gebhardt, Alex Agius Saliba, 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 19 – paragraph 1

Text proposed by the Commission

1. The Commission may by simple request *or by decision* require information from undertakings and associations of undertakings to provide all necessary information, including for the purpose of monitoring, implementing and enforcing the rules laid down in this Regulation. The Commission may also request access to data bases *and* algorithms of undertakings and request explanations on those by a simple request or by a decision.

Amendment

1. The Commission may by simple request require information from undertakings and associations of undertakings to provide all necessary information, including for the purpose of monitoring, implementing and enforcing the rules laid down in this Regulation. The Commission may also request access to data bases, algorithms *and A/B testing* of undertakings and request explanations on those by a simple request or by a decision. *Where the simple request is not fulfilled within a period of 3 weeks, the Commission may require this information by decision.*

Or. en

Amendment 1051

Ivan Štefanec

Proposal for a regulation Article 19 – paragraph 3

Text proposed by the Commission

3. When sending a simple request for information to an undertaking or

Amendment

3. When sending a simple request for information to an undertaking or

association of undertakings, the Commission shall state the purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided, and the penalties provided for in Article 26 for supplying incomplete, incorrect or misleading information or explanations.

association of undertakings, the Commission shall state the purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided, and the penalties provided for in Article 26 for supplying incomplete, incorrect or misleading information or explanations.
Such time-limits provided should respect the size and capabilities of an undertaking or association of undertakings.

Or. en

Justification

Requests for information submitted by the Commission in accordance with Article 19(3) of the DMA proposal are secured by the Commission's power to impose a fine of up to 1% of the turnover of a company that fails to fulfil its obligation to provide timely answers to the Commission. Building on our practical experience, we consider that, in Article 19(3), it is very appropriate to set the shortest deadline the Commission may set for the respondent to provide answers while reflecting the size of the undertaking, its capabilities and the circumstances in which the subject was asked to provide answers.

Amendment 1052 **Dita Charanzová**

Proposal for a regulation **Article 19 – paragraph 3**

Text proposed by the Commission

3. When sending a simple request for information to an undertaking or association of undertakings, the Commission shall state the purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided, and the penalties provided for in Article 26 for supplying incomplete, incorrect or misleading information or explanations.

Amendment

3. When sending a simple request for information to an undertaking or association of undertakings, the Commission shall state the purpose of the request, specify what information is required and fix the time-limit within which the information is to be provided, and the penalties provided for in Article 26 for supplying incomplete, incorrect or misleading information or explanations.
Such time-limits provided should respect the size and capabilities of an undertaking or association of undertakings.

Or. en

Amendment 1053
Ivan Štefanec

Proposal for a regulation
Article 19 – paragraph 4

Text proposed by the Commission

4. Where the Commission requires undertakings and associations of undertakings to supply information by decision, it shall state the purpose of the request, specify what information is required and fix the time-limit within which it is to be provided. Where the Commission requires undertakings to provide access to its data-bases and algorithms, it shall state the legal basis and the purpose of the request, and fix the time-limit within which it is to be provided. It shall also indicate the penalties provided for in Article 26 and indicate or impose the periodic penalty payments provided for in Article 27. It shall further indicate the right to have the decision reviewed by the Court of Justice.

Amendment

4. Where the Commission requires undertakings and associations of undertakings to supply information by decision, it shall state the purpose of the request, specify what information is required and fix the time-limit within which it is to be provided. Where the Commission requires undertakings to provide access to its data-bases and algorithms, it shall state the legal basis and the purpose of the request, and fix the time-limit within which it is to be provided. It shall also indicate the penalties provided for in Article 26 and indicate or impose the periodic penalty payments provided for in Article 27. It shall further indicate the right to have the decision reviewed by the Court of Justice. ***Such time-limits provided should respect the size and capabilities of an undertaking or association of undertakings.***

Or. en

Amendment 1054
Dita Charanzová

Proposal for a regulation
Article 19 – paragraph 4

Text proposed by the Commission

4. Where the Commission requires undertakings and associations of undertakings to supply information by decision, it shall state the purpose of the request, specify what information is

Amendment

4. Where the Commission requires undertakings and associations of undertakings to supply information by decision, it shall state the purpose of the request, specify what information is

required and fix the time-limit within which it is to be provided. Where the Commission requires undertakings to provide access to its data-bases and algorithms, it shall state the legal basis and the purpose of the request, and fix the time-limit within which it is to be provided. It shall also indicate the penalties provided for in Article 26 and indicate or impose the periodic penalty payments provided for in Article 27. It shall further indicate the right to have the decision reviewed by the Court of Justice.

required and fix the time-limit within which it is to be provided. Where the Commission requires undertakings to provide access to its data-bases and algorithms, it shall state the legal basis and the purpose of the request, and fix the time-limit within which it is to be provided. It shall also indicate the penalties provided for in Article 26 and indicate or impose the periodic penalty payments provided for in Article 27. It shall further indicate the right to have the decision reviewed by the Court of Justice. ***Such time-limits provided should respect the size and capabilities of an undertaking or association of undertakings.***

Or. en

Amendment 1055

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

Proposal for a regulation Article 19 – paragraph 6

Text proposed by the Commission

6. At the request of the Commission, the governments and authorities of the Member States shall provide the Commission with all necessary information to carry out the duties assigned to it by this Regulation.

Amendment

6. At the request of the Commission, the governments and authorities of the Member States shall provide the Commission with all necessary information to carry out the duties assigned to it by this Regulation. ***Competent national authorities or any stakeholder may also on their own initiative provide the Commission or the European High-Level Group of Digital Regulators with information to be taken into account in their deliberations.***

Or. fr

Amendment 1056

Andrus Ansip, Svenja Hahn, Dita Charanzová, Liesje Schreinemacher, Sandro Gozi,

Stéphanie Yon-Courtin, Vlad-Marius Botoș, Morten Løkkegaard, Stéphane Séjourné, Karen Melchior

**Proposal for a regulation
Article 19 – paragraph 6**

Text proposed by the Commission

6. At the request of the Commission, the **governments and** authorities **of the Member States** shall provide the Commission with all necessary information to carry out the duties assigned to it by this Regulation.

Amendment

6. At the request of the Commission, the **competent national competition** authorities shall provide the Commission with all necessary information to carry out the duties assigned to it by this Regulation.

Or. en

Amendment 1057

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 20 – paragraph 1**

Text proposed by the Commission

The Commission **may** interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, including in relation to the monitoring, implementing and enforcing of the rules laid down in this Regulation.

Amendment

The Commission **and the competent national competition authorities, may, in accordance with Article 32a,** interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, **pursuant to Articles 7, 16, 16, 17, 25 and 26,** including in relation to the monitoring, implementing and enforcing of the rules laid down in this Regulation.

Or. en

Amendment 1058

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 20 – paragraph 1

Text proposed by the Commission

The Commission **may** interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, including in relation to the monitoring, implementing and enforcing of the rules laid down in this Regulation.

Amendment

The Commission **shall** interview any natural or legal person which consents to being interviewed for the purpose of collecting information, relating to the subject-matter of an investigation, including in relation to the monitoring, implementing and enforcing of the rules laid down in this Regulation.

Or. en

Amendment 1059

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi
on behalf of the ID Group
Christine Anderson

Proposal for a regulation
Article 21

Text proposed by the Commission

Article 21

Powers to conduct on-site inspections

1. The Commission may conduct on-site inspections at the premises of an undertaking or association of undertakings.

2. On-site inspections may also be carried out with the assistance of auditors or experts appointed by the Commission pursuant to Article 24(2).

3. During on-site inspections the Commission and auditors or experts appointed by it may require the undertaking or association of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The

Amendment

deleted

Commission and auditors or experts appointed by it may address questions to key personnel.

4. Undertakings or associations of undertakings are required to submit to an on-site inspection ordered by decision of the Commission. The decision shall specify the subject matter and purpose of the visit, set the date on which it is to begin and indicate the penalties provided for in Articles 26 and 27 and the right to have the decision reviewed by the Court of Justice.

Or. en

Amendment 1060

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

Proposal for a regulation Article 21 – paragraph 1

Text proposed by the Commission

1. The Commission may conduct on-site inspections at the premises of an undertaking or association of undertakings.

Amendment

1. The Commission, ***upon a prior notice***, may conduct on-site inspections at the premises of an undertaking or association of undertakings.

Or. en

Amendment 1061

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

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

Text proposed by the Commission

Amendment

1a. Inspectors authorised by the Commission or the High-Level Group may conduct inspections in a third country if data relevant for the purpose of the inspection, including data relating to

European citizens or businesses, are stored, transmitted, processed or analysed in that third country.

Or. fr

Amendment 1062

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 21 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. If an inspection cannot be conducted in a third country, the gatekeeper's European data shall be repatriated to the European Union within 12 months.

Or. fr

Amendment 1063

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 21 – paragraph 3

Text proposed by the Commission

Amendment

3. During on-site inspections the Commission and auditors or experts appointed by it may require the undertaking or association of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission and auditors or experts appointed by it may address questions to key personnel.

3. During on-site inspections the Commission and auditors or experts appointed by it may require the undertaking or association of undertakings to provide access to and explanations on its organisation, functioning, IT system, algorithms, data-handling and business conducts. The Commission ***shall appoint rotating auditor or expert teams within the platform in order to have continuous and direct access to the data and algorithms. They should run behavioural experiments to evaluate the algorithm and***

use of the data. The Commission and auditors or experts appointed by it may address questions to key personnel.

Or. en

Amendment 1064

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 21 a (new)

Text proposed by the Commission

Amendment

Article 21 a

Reporting mechanism for business users and end-users

1. Business users, competitors and end-users of the core platform services as defined in point 2 of Article 2 may, by means of a complaint, report to the competent national competition authorities any practice or behaviour by gatekeepers that falls into the scope of this Regulation, including non-compliance. The competent national competition authorities shall assess these complaints and report relevant cases to the Commission under the procedure provided for in Article 32a.

2. The Commission shall define the conditions under which the reports referred to in paragraph 1 shall be submitted to it.

3. The Commission shall have the power to set its priorities for the task of examining the reports referred to paragraph 1. Subject to this paragraph and to Article 33, the Commission may decide not to examine a report if it deems

that such report is not an enforcement priority.

4. When the Commission considers a report to be an enforcement priority, it may open proceedings pursuant to Article 18 or a market investigation pursuant to Article 14.

Or. en

Amendment 1065

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

Proposal for a regulation **Article 22 – paragraph 1**

Text proposed by the Commission

1. In case of urgency due to the risk of serious and irreparable damage for business users or end users of gatekeepers, the Commission may, by decision adopt in accordance with the advisory procedure referred to in Article 32(4), order interim measures against a gatekeeper *on the basis of a prima facie finding of an infringement of Articles 5 or 6.*

Amendment

1. In case of urgency due to the risk of serious and irreparable damage for business users or end users of gatekeepers, *imminent threats to the fairness and contestability of markets or the general considerations laid out in Article 1(1)*, the Commission may, by decision adopt in accordance with the advisory procedure referred to in Article 32(4), order interim measures against a gatekeeper.

Or. en

Amendment 1066 **Andreas Schwab**

Proposal for a regulation **Article 22 – paragraph 1**

Text proposed by the Commission

1. In case of urgency due to the risk of serious and *irreparable* damage for business users or end users of gatekeepers,

Amendment

1. In case of urgency due to the risk of serious and *immediate* damage for business users or end users of gatekeepers, the

the Commission may, by decision adopt in accordance with the advisory procedure referred to in Article 32(4), order interim measures against a gatekeeper on the basis of a prima facie finding of an infringement of Articles 5 or 6.

Commission may, by decision adopt in accordance with the advisory procedure referred to in Article 32(4), order interim measures against a gatekeeper on the basis of a prima facie finding of an infringement of Articles 5 or 6.

Or. en

Amendment 1067

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 22 – paragraph 1

Text proposed by the Commission

1. In case of urgency due to the risk of serious and *irreparable* damage for business users or end users of gatekeepers, the Commission may, by decision adopt in accordance with the advisory procedure referred to in Article 32(4), order interim measures against a gatekeeper on the basis of a prima facie finding of an infringement of Articles 5 or 6.

Amendment

1. In case of urgency due to the risk of serious and *immediate* damage for business users or end users of gatekeepers, the Commission may, by decision adopt in accordance with the advisory procedure referred to in Article 32(4), order interim measures against a gatekeeper on the basis of a prima facie finding of an infringement of Articles 5 or 6.

Or. en

Amendment 1068

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

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

2. *A decision pursuant to paragraph 1 may only be adopted in the context of proceedings opened in view of the possible adoption of a decision of non-compliance pursuant to Article 25(1).* This decision

Amendment

2. This decision shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.

shall apply for a specified period of time and may be renewed in so far this is necessary and appropriate.

Or. en

Amendment 1069

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 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the case of urgency, due to the risk of serious and immediate damage for business users or end users of gatekeepers, resulting from new practices implemented by one or more gatekeepers that could undermine contestability of core platform services or that could be unfair pursuant to Article 10(2), the Commission may impose interim measures on the concerned gatekeepers in order to avoid the materialization of such risk.

Or. en

Amendment 1070

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 22 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. A decision referred to in paragraph 1 may only be adopted in the context of a market investigation pursuant to Article 17 and within 6 months of the

opening of such an investigation. The interim measures shall apply for a specified period of time and, in any case, shall be replaced by any new obligations that may arise under the final decision resulting from the market investigation pursuant to Article 17.

Or. en

Amendment 1071
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 23

Text proposed by the Commission

Amendment

Article 23

deleted

Commitments

1. If during proceedings under Articles 16 or 25 the gatekeeper concerned offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) make those commitments binding on that gatekeeper and declare that there are no further grounds for action.

2. The Commission may, upon request or on its own initiative, reopen by decision the relevant proceedings, where:

(a) there has been a material change in any of the facts on which the decision was based;

(b) the gatekeeper concerned acts contrary to its commitments;

(c) the decision was based on incomplete, incorrect or misleading information provided by the parties.

3. Should the Commission consider that the commitments submitted by the

gatekeeper concerned cannot ensure effective compliance with the obligations laid down in Articles 5 and 6, it shall explain the reasons for not making those commitments binding in the decision concluding the relevant proceedings.

Or. en

Amendment 1072
Ivan Štefanec

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. If during proceedings under Articles 16 or 25 the gatekeeper concerned offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) make those commitments binding on that gatekeeper and declare that there are no further grounds for action.

Amendment

1. ***In exceptional circumstances***, if during proceedings under Articles 16 or 25 the gatekeeper concerned offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) make those commitments binding on that gatekeeper, ***taking into account potentially already existing damages caused by the gatekeeper to other market participants*** and declare that there are no further grounds for action.

Or. en

Justification

The procedure under Article 23 of the DMA proposal should only be allowed to the Commission in very specific and rare situations, where the Commission considers that the conduct of the gatekeeper platform to date has not caused significant harm to other competitors and that the absence of a non-compliance decision would not in effect cause greater harm to the European economy.

Amendment 1073
Dita Charanzová, Andrus Ansip

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

1. If during proceedings under Articles 16 or 25 the gatekeeper concerned offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) make those commitments binding on that gatekeeper and declare that there are no further grounds for action.

Amendment

1. ***In exceptional circumstances*** if during proceedings under Articles 16 or 25 the gatekeeper concerned offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) make those commitments binding on that gatekeeper, ***taking into account potentially already existing damages caused by the gatekeeper to other market participants***, and declare that there are no further grounds for action.

Or. en

Amendment 1074

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 23 – paragraph 1

Text proposed by the Commission

1. If during proceedings under Articles 16 or 25 the gatekeeper concerned offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) make those commitments binding on that gatekeeper and declare that there are no further grounds for action.

Amendment

1. If during proceedings under Articles 16 or 25 the gatekeeper concerned offers commitments for the relevant core platform services to ensure compliance with the obligations laid down in Articles 5 and 6, the Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) make those commitments binding on that gatekeeper and declare that there are no further grounds for action. ***The Commission shall, where appropriate, be entitled to require the commitments to be***

tested to optimise their effectiveness.

Or. en

Amendment 1075

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

Proposal for a regulation

Article 23 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the measures proposed by the gatekeeper have proven ineffective to ensure compliance with the obligations of Article 5 and 6;

Or. en

Amendment 1076

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 23 – paragraph 3

Text proposed by the Commission

Amendment

3. Should the Commission consider that the commitments submitted by the gatekeeper concerned cannot ensure effective compliance with the obligations laid down in Articles 5 and 6, it shall explain the reasons for not making those commitments binding in the decision concluding the relevant proceedings.

3. Should the Commission consider that the commitments submitted by the gatekeeper concerned cannot ensure effective compliance with the obligations laid down in Articles 5 and 6, it shall explain the reasons for not making those commitments binding in the decision concluding the relevant proceedings ***and, following an investigation, require changes to the commitments in order to make them effective.***

Or. en

Amendment 1077

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. The Commission may take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in Articles 5 and 6 and the decisions taken pursuant to Articles 7, 16, 22 and 23.

Amendment

1. The Commission may take the necessary actions, ***in close cooperation with the competent national authorities***, to monitor the effective implementation and compliance with the obligations laid down in Articles 5 and 6 and the decisions taken pursuant to Articles 7, 16, 22 and 23.

Or. fr

Amendment 1078

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

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. The Commission ***may*** take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in Articles 5 and 6 and the decisions taken pursuant to Articles 7, 16, 22 and 23.

Amendment

1. The Commission ***shall*** take the necessary actions to monitor the effective implementation and compliance with the obligations laid down in Articles 5 and 6 and the decisions taken pursuant to Articles 7, 16, 22 and 23.

Or. en

Amendment 1079

Adriana Maldonado López, Clara Aguilera

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a (new). Member States shall

designate authorities with special knowledge and experience to assist the Commission in the implementation of this Regulation with the aim of promoting the exchange of information and best practices.

Or. es

Amendment 1080

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

Proposal for a regulation

Article 24 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. End-users as well as their representatives have the right to submit formal complaints about gatekeepers non-compliance with the obligations set out in this Regulation in order to facilitate the monitoring of obligations and measures.

Or. en

Amendment 1081

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission

Amendment

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors to assist the Commission to monitor the obligations and measures and to provide specific expertise or knowledge to the Commission.

2. The actions pursuant to paragraph 1 may include the appointment of independent external experts and auditors ***to be embedded within the gatekeeper and*** to assist the Commission to monitor the obligations and measures and to provide specific expertise or knowledge to the Commission.

Amendment 1082

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 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall designate authorities with particular expertise and experience to assist the Commission in the enforcement of this Regulation. They should support the Commission in the tasks of monitoring and investigating compliance. The Commission shall entitle designated authorities to use the powers enshrined in Articles 19, 20 and 21 for this purpose as well as to receive complaints from end users and business users on non-compliance by gatekeepers in their territory to report them to the Commission.

Amendment 1083

Evelyne Gebhardt, Josianne Cutajar, 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 25 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The Commission shall adopt a non-compliance decision in accordance with the advisory procedure referred to in Article 32(4) where it finds that a gatekeeper does not comply with one or more of the

1. The Commission shall adopt a non-compliance decision in accordance with the advisory procedure referred to in Article 32(4) **within a period of 6 months beginning from the moment of non-**

following:

compliance where it finds that a gatekeeper does not comply with one or more of the following:

Or. en

Amendment 1084

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 25 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall adopt a non-compliance decision in accordance with the advisory procedure referred to in Article 32(4) where it finds that a gatekeeper does not comply with one or more of the following:

Amendment

1. The Commission shall, ***within six month from opening a proceeding according to Article 18***, adopt a non-compliance decision in accordance with the advisory procedure referred to in Article 32(4) where it finds that a gatekeeper does not comply with one or more of the following:

Or. en

Amendment 1085

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 25 – paragraph 1 – point e

Text proposed by the Commission

(e) commitments made legally binding pursuant to Article 23.

Amendment

deleted

Or. en

Amendment 1086

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

Proposal for a regulation

Article 25 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

The Commission shall adopt its decision within six months from the opening of a proceeding.

Or. en

Amendment 1087

Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, 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 25 – paragraph 3

Text proposed by the Commission

Amendment

3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and to provide explanations on how it plans to comply with the decision.

3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and to provide explanations on how it plans to comply with the decision. ***The Commission may by decision adopted in accordance with the advisory procedure referred to in Article 32(4) impose on such gatekeeper any behavioural remedies which are proportionate to the infringement committed and necessary to ensure compliance with this Regulation.***

Or. en

Amendment 1088

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

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission

3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and to ***provide explanations on how it plans to comply*** with the *decision*.

Amendment

3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and to ***impose any appropriate remedies to ensure effective compliance*** with the ***obligations laid down under Articles 5 and 6 and restore contestability and fairness on the markets in line with this Regulation***.

Or. en

Amendment 1089

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 25 – paragraph 3**

Text proposed by the Commission

3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and ***to provide explanations on how it plans to comply with the decision***.

Amendment

3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within an appropriate deadline and ***impose behavioural or structural remedies as necessary and proportionate to the infringement***.

Or. en

Amendment 1090

Martin Schirdewan, Anne-Sophie Pelletier

**Proposal for a regulation
Article 25 – paragraph 3**

Text proposed by the Commission

Amendment

3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within ***an appropriate deadline*** and to provide explanations on how it plans to comply with the decision.

3. In the non-compliance decision adopted pursuant to paragraph 1, the Commission shall order the gatekeeper to cease and desist with the non-compliance within ***two month*** and to provide explanations on how it plans to comply with the decision.

Or. en

Amendment 1091

Jordi Cañas

Proposal for a regulation

Article 25 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In any non-compliance decision under paragraph 1 the Commission shall further be entitled to specify the measures the gatekeeper shall implement to ensure effective compliance with its obligations laid down in Articles 5 or 6. This may include any proportionate measures to restore the contestability of the market where this has been harmed by the gatekeeper’s non-compliance. The Commission shall, where appropriate, be entitled to require the measures to be tested to optimise their effectiveness;

Or. en

Amendment 1092

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 25 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. An independent appeals board shall be set up so that administrative decisions can be challenged, with rulings

on appeals to be issued within two months.

Or. fr

Amendment 1093

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 25 – paragraph 4

Text proposed by the Commission

4. The gatekeeper shall provide the Commission with the description of the measures it took to ensure compliance with the decision adopted pursuant to paragraph 1.

Amendment

4. The gatekeeper shall provide the Commission with the description of the measures it took to ensure compliance with the decision adopted pursuant to paragraph 1. ***If the Commission, following an investigation, finds that the measures are not effective to ensure compliance by the gatekeeper with its obligations under Articles 5 and 6, the Commission shall be entitled to require changes to these measures.***

Or. en

Amendment 1094

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

Proposal for a regulation

Article 25 – paragraph 4

Text proposed by the Commission

4. The gatekeeper shall provide the Commission with the description of the measures it took to ensure compliance with the decision adopted pursuant to paragraph 1.

Amendment

4. The gatekeeper shall provide the Commission with the description of the measures it took to ensure compliance with the decision adopted pursuant to paragraph 1. ***In case the non compliance persists following a review of the measures taken by the gatekeeper, the Commission shall***

propose amendments to these measures to ensure full compliance with obligations laid down under Articles 5 and 6.

Or. en

Amendment 1095
Dita Charanzová

Proposal for a regulation
Article 25 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall conclude its investigation by adopting a decision within 24 months from the opening of the investigation pursuant to this article.

Or. en

Amendment 1096
Ivan Štefanec

Proposal for a regulation
Article 25 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall conclude its investigation by adopting a decision within 24 months from the opening of the investigation pursuant to this Article.

Or. en

Justification

While in the case of investigation under Article 16 of the DMA proposal, the Commission undertakes to close the investigation of systematic breaches pursuant to Articles 5 and 6 by the gatekeeper platform within 12 months, in the case of non-compliance investigations pursuant to Article 25, no time limit is set by the Commission for the investigation.

Amendment 1097
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 26 – title

Text proposed by the Commission

Fines

Amendment

Fines *and remedies*

Or. en

Amendment 1098
Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation
Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the decision pursuant to Article 25, the Commission may impose on a gatekeeper fines not exceeding 10% of its total turnover in the preceding financial year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:

Amendment

1. In the decision pursuant to Article 25, the Commission may impose on a gatekeeper fines not exceeding 10% of its total turnover in the preceding financial year *or structural and equally effective behavioural remedies* where it finds that the gatekeeper, intentionally or negligently, fails to comply with:

Or. en

Amendment 1099
Evelyne Gebhardt, Josianne Cutajar, 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 26 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the decision pursuant to Article 25, the Commission may impose on a gatekeeper fines not exceeding **10%** of its total turnover in the preceding financial

Amendment

1. In the decision pursuant to Article 25, the Commission may impose on a gatekeeper fines not exceeding **30%** of its total turnover in the preceding financial

year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:

year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:

Or. en

Amendment 1100

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 26 – paragraph 1 – introductory part

Text proposed by the Commission

1. In the decision pursuant to Article 25, the Commission may impose on a gatekeeper fines not exceeding **10%** of its total turnover in the preceding financial year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:

Amendment

1. In the decision pursuant to Article 25, the Commission may impose on a gatekeeper fines not exceeding **20%** of its total turnover in the preceding financial year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:

Or. fr

Amendment 1101

Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, 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 26 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission may by decision impose on undertakings and associations of undertakings fines not exceeding **1%** of the total turnover in the preceding financial year where they intentionally or negligently:

Amendment

2. The Commission may by decision impose on undertakings and associations of undertakings fines not exceeding **5%** of the total turnover in the preceding financial year where they intentionally or negligently:

Or. en

Amendment 1102

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 26 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Commission may by decision impose on undertakings and associations of undertakings fines not exceeding **1%** of the total turnover in the preceding financial year where they intentionally or negligently:

Amendment

2. The Commission may by decision impose on undertakings and associations of undertakings fines not exceeding **5%** of the total turnover in the preceding financial year where they intentionally or negligently:

Or. fr

Amendment 1103

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi

on behalf of the ID Group

Christine Anderson

Proposal for a regulation

Article 26 – paragraph 2 – point f

Text proposed by the Commission

(f) fail to rectify within a time-limit set by the Commission, incorrect, incomplete or misleading information given by a member of staff, or fail or refuse to provide complete information on facts relating to the subject-matter and purpose of an inspection pursuant to Article 21;

Amendment

deleted

Or. en

Amendment 1104

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi

on behalf of the ID Group

Christine Anderson

Proposal for a regulation

Article 26 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) refuse to submit to an on-site inspection pursuant to Article 21. **deleted**

Or. en

Amendment 1105

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 26 – paragraph 3

Text proposed by the Commission

Amendment

3. In fixing the amount of the fine, regard shall be had to the gravity, duration, recurrence, and, for fines imposed pursuant to paragraph 2, delay caused to the proceedings.

3. In fixing the amount of the fine, regard shall be had to the gravity, duration, recurrence, and, for fines imposed pursuant to paragraph 2, delay caused to the proceedings. ***To calculate the duration of the infringement, the starting point shall be the moment of the first non-compliance under Article 3 paragraph 8.***

Or. en

Justification

This intends to clarify, that the starting point is not the moment of decision according Article 7 (2).

Amendment 1106

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation Article 26 – paragraph 4 – subparagraph 3

Text proposed by the Commission

Amendment

However, the Commission shall not require payment pursuant to the second or the third subparagraph from undertakings which show that they have **deleted**

not implemented the infringing decision of the association and either were not aware of its existence or have actively distanced themselves from it before the Commission started investigating the case.

Or. en

Amendment 1107

Evelyne Gebhardt, Josianne Cutajar, Alex Agius Saliba, 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 26 – paragraph 4 – subparagraph 4

Text proposed by the Commission

The financial liability of each undertaking in respect of the payment of the fine shall not exceed **10** % of its total turnover in the preceding financial year.

Amendment

The financial liability of each undertaking in respect of the payment of the fine shall not exceed **30** % of its total turnover in the preceding financial year.

Or. en

Amendment 1108

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 26 – paragraph 4 – subparagraph 4 a (new)

Text proposed by the Commission

Amendment

Access to the service concerned shall ultimately be suspended on European Union territory in the event of failure to pay.

Or. fr

Amendment 1109

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 27 – title

Text proposed by the Commission

Amendment

Periodic penalty payments

Or. fr

Amendment 1110

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi
on behalf of the ID Group
Christine Anderson

Proposal for a regulation
Article 27 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) to submit to an on-site inspection which was ordered by a decision taken pursuant to Article 21; **deleted**

Or. en

Amendment 1111

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27a

Systematic non-compliance

In the event of systematic non-compliance, the Commission may impose structural measures against a gatekeeper on a proposal from the High-Level Group.

Or. fr

Amendment 1112
Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 27 b (new)

Text proposed by the Commission

Amendment

Article 27b

Structural measures

Where the Europe-based workforce accounts for less than 30% of the European share of worldwide turnover, the Commission, in cooperation with the Member States and after hearing the gatekeeper, shall impose the necessary behavioural, functional or structural measures to remedy the situation within two years.

Or. fr

Justification

Thirty percent local production; figure is equivalent to that used in the Audiovisual Media Services Directive (Article 13) (<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018L1808&from=EN>).

Amendment 1113
Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 27 c (new)

Text proposed by the Commission

Amendment

Article 27c

In the event of systematic and intentional non-compliance or gross negligence, personal sanctions may be imposed on directors or managers, including a ban on entering the territory of a Member State.

Or. fr

Amendment 1114

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 27 d (new)

Text proposed by the Commission

Amendment

Article 27d

In the event of systematic and intentional non-compliance or gross negligence, a fine of up to 15% of their previous year's income may be imposed on directors or managers responsible for the failing or failings concerned.

Or. fr

Amendment 1115

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 28 – paragraph 1

Text proposed by the Commission

Amendment

1. The powers conferred on the Commission by Articles 26 and 27 shall be subject to a **three** year limitation period.

1. The powers conferred on the Commission by Articles 26 and 27 shall be subject to a **five** year limitation period.

Or. en

Justification

Five years are the standard limitation period under EU and national competition law.

Amendment 1116

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 28 – paragraph 1

Text proposed by the Commission

1. The powers conferred on the Commission by Articles 26 and 27 shall be subject to a **three** year limitation period.

Amendment

1. The powers conferred on the Commission by Articles 26 and 27 shall be subject to a **five** year limitation period.

Or. en

Amendment 1117

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

Proposal for a regulation
Article 28 – paragraph 1

Text proposed by the Commission

1. The powers conferred on the Commission by Articles 26 and 27 shall be subject to a **three** year limitation period.

Amendment

1. The powers conferred on the Commission by Articles 26 and 27 shall be subject to a **five** year limitation period.

Or. en

Amendment 1118

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 29 – paragraph 1

Text proposed by the Commission

1. The power of the Commission to enforce decisions taken pursuant to Articles 26 and 27 shall be subject to a limitation period of **five** years.

Amendment

1. The power of the Commission to enforce decisions taken pursuant to Articles 26 and 27 shall be subject to a limitation period of **seven** years.

Or. en

Amendment 1119

Ivan Štefanec

Proposal for a regulation

Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1), Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned the opportunity of being heard on:

Amendment

1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1), Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings, ***as well as relevant business users or associations of relevant business users***, concerned the opportunity of being heard on:

Or. en

Justification

It should be clarified that business users which would be potentially impacted by such a decision can be heard on the preliminary findings and the measures the European Commission may intend to take.

Amendment 1120

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1), Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned the opportunity of being heard on:

Amendment

1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1), Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned, ***including third parties affected by the conduct of the gatekeeper concerned***, the opportunity of being heard on:

Or. en

Amendment 1121

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 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1), Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned the opportunity of being heard on:

Amendment

1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1), Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned **and third parties with a legitimate interest** the opportunity of being heard on:

Or. en

Amendment 1122

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 30 – paragraph 1 – introductory part

Text proposed by the Commission

1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1), Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned the opportunity of being heard on:

Amendment

1. Before adopting a decision pursuant to Article 7, Article 8(1), Article 9(1), Articles 15, 16, 22, 23, 25 and 26 and Article 27(2), the Commission shall give the gatekeeper or undertaking or association of undertakings concerned, **and third parties affected**, the opportunity of being heard on:

Or. fr

Amendment 1123

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 30 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) all relevant procedures or decisions that affect consumers such as inter alia market investigations for designating a gatekeeper, compliance with, suspensions of and exemption from obligations, interim measures, fines.

Or. en

Amendment 1124

Jordi Cañas

Proposal for a regulation

Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If the Commission considers it necessary, it may also hear other natural or legal persons before taking the decisions as provided for in paragraph 1. Applications to be heard on the part of such persons shall, where they show a sufficient interest, be granted. Member State authorities assisting the Commission in the enforcement of this Regulation may also ask the Commission to hear other natural or legal persons with sufficient interest.

Or. en

Amendment 1125

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

Proposal for a regulation

Article 30 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If the Commission considers it

necessary, it may also hear other natural or legal persons before taking the decisions as provided for in paragraph 1. Applications to be heard on the part of such persons shall, where they show a sufficient interest, be granted. The national competent authorities designated under Article 21(a) may also ask the Commission to hear other natural or legal persons with sufficient interest.

Or. en

Amendment 1126

Evelyne Gebhardt, Josianne Cutajar, 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, Sylvie Guillaume

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

2. Gatekeepers, undertakings *and* associations of undertakings concerned may submit their observations to the Commission’s preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.

Amendment

2. Gatekeepers, undertakings, associations of undertakings concerned *and third parties with a legitimate interest* may submit their observations to the Commission’s preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.

Or. en

Amendment 1127

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

Proposal for a regulation Article 30 – paragraph 2

Text proposed by the Commission

2. Gatekeepers, undertakings *and*

Amendment

2. Gatekeepers, undertakings,

associations of undertakings concerned may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.

associations of undertakings concerned **and interested third-parties** may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.

Or. en

Amendment 1128

Jordi Cañas

Proposal for a regulation

Article 30 – paragraph 2

Text proposed by the Commission

2. Gatekeepers, undertakings **and** associations of undertakings concerned may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.

Amendment

2. Gatekeepers, undertakings, associations of undertakings **and interested third persons** concerned may submit their observations to the Commission's preliminary findings within a time limit which shall be fixed by the Commission in its preliminary findings and which may not be less than 14 days.

Or. en

Amendment 1129

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

3. The Commission shall base its decisions only on objections on which gatekeepers, undertakings **and** associations of undertakings concerned have been able to comment.

Amendment

3. The Commission shall base its decisions only on objections on which gatekeepers, undertakings, associations of undertakings concerned **and interested third-parties** have been able to comment.

Or. en

Amendment 1130
Jordi Cañas

Proposal for a regulation
Article 30 – paragraph 3

Text proposed by the Commission

3. The Commission shall base its decisions only on objections on which gatekeepers, undertakings **and** associations of undertakings concerned have been able to comment.

Amendment

3. The Commission shall base its decisions only on objections on which gatekeepers, undertakings, associations of undertakings concerned **and interested third persons** have been able to comment.

Or. en

Amendment 1131
Jordi Cañas

Proposal for a regulation
Article 30 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Natural or legal persons who can show a legitimate interest shall be entitled to lodge complaints with regard to the non-designation of gatekeepers and non-compliance and systematic non-compliance by gatekeepers with their obligations under this Regulation.

Or. en

Amendment 1132
Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen, Sven Giegold
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 30 a (new)

Text proposed by the Commission

Amendment

Article 30 a

Accountability

1. The Commission shall adopt an annual report on the state of the digital economy. This report shall provide an analysis of the market position, influence and business models of the gatekeepers in the common market. The report shall include a summary of its activities, in particular supervisory measures adopted under Chapter II and IV of this Regulation as well as an assessment on whether competition rules, the provisions of this Regulation (and Regulation XX/2021 Digital Services Act) and current enforcement levels are adequate to address anticompetitive conduct and ensure the contestability and fairness of digital markets. This annual report shall also include a social impact assessment, which assesses new digital products and services and their potential impact on mental health, user behaviour, disinformation, polarisation and democracy. In the fulfilment of this mandate, the Commission should coordinate its supervisory and monitoring efforts with those foreseen under the Digital Services Act, so as to achieve the best possible synergies.

2. The European Parliament through its competent committees may provide an opinion on an annual basis on the report by the Commission.

3. The Commission shall reply in writing to the opinion adopted by the European Parliament and to any question addressed to it by the European Parliament or by the Council within five weeks of its receipt.

4. At the request of the European Parliament, the Commission shall participate in a hearing before the European Parliament. A hearing shall take place at least bi-annually. The respective Commissioner shall make a statement before the European Parliament and answer any questions

*from its members, whenever so requested.
In addition, a continuous, high-level
dialogue between the European
Parliament and the Commission shall be
ensured through exchanges which take
place no less than four times a year.*

Or. en

Amendment 1133

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

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. The information collected pursuant to Articles 3, **12, 13**, 19, 20 and 21 shall be used only for the purposes of this Regulation.

Amendment

1. The information collected pursuant to Articles 3, 19, 20 and 21 shall be used only for the purposes of this Regulation.

Or. en

Amendment 1134

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

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. The information collected pursuant to Articles 3, **12, 13**, 19, 20 and 21 shall be used only for the purposes of this Regulation.

Amendment

1. The information collected pursuant to Articles 3, 19, 20 and 21 shall be used only for the purposes of this Regulation.

Or. en

Justification

This information is also relevant for merger control.

Amendment 1135

Alex Agius Saliba, Marc Angel

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. The information collected pursuant to Articles 3, **12**, **13**, 19, 20 and 21 shall be used only for the purposes of this Regulation.

Amendment

1. The information collected pursuant to Articles 3, 19, 20 and 21 shall be used only for the purposes of this Regulation.

Or. en

Justification

There is little point in collecting information about gatekeeper mergers under Article 12 if the Commission can then not use it in any way. Gatekeeper acquisitions may create significant contestability and competition problems. It is therefore essential that they be subject to merger control. As information on consumer profiling is also relevant for the enforcement of other EU law, the consumer profiling audit information collected under Article 13 should also be shared with the relevant enforcers. In both cases, the recipients of this information within the relevant public authorities would be subject to the professional secrecy obligations under paragraph 2 of the present article.

Amendment 1136

Alex Agius Saliba, Marc Angel

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles 32 and 33, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by

Amendment

2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles **12**, **13**, 32 and 33, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the

the obligation of professional secrecy. This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets Advisory Committee pursuant to Article 32.

kind covered by the obligation of professional secrecy. This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets Advisory Committee pursuant to Article 32.

Or. en

Justification

There is little point in collecting information about gatekeeper mergers under Article 12 if the Commission can then not use it in any way. Gatekeeper acquisitions may create significant contestability and competition problems. It is therefore essential that they be subject to merger control. As information on consumer profiling is also relevant for the enforcement of other EU law, the consumer profiling audit information collected under Article 13 should also be shared with the relevant enforcers. In both cases, the recipients of this information within the relevant public authorities would be subject to the professional secrecy obligations under paragraph 2 of the present article.

Amendment 1137

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

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles 32 and 33, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets Advisory

Amendment

2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles **12, 13**, 32 and 33, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets

Committee pursuant to Article 32.

Advisory Committee pursuant to Article 32.

Or. en

Justification

This information is also relevant to merger control.

Amendment 1138

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

Proposal for a regulation
Article 31 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles 32 and 33, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets Advisory Committee pursuant to Article 32.

Amendment

2. Without prejudice to the exchange and to the use of information provided for the purpose of use pursuant to Articles **12, 13**, 32 and 33, the Commission, the authorities of the Member States, their officials, servants and other persons working under the supervision of these authorities and any natural or legal person, including auditors and experts appointed pursuant to Article 24(2), shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy. This obligation shall also apply to all representatives and experts of Member States participating in any of the activities of the Digital Markets Advisory Committee pursuant to Article 32.

Or. en

Amendment 1139

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 31 a (new)

Text proposed by the Commission

Amendment

Article 31a

European High-Level Group of Digital Regulators

- 1. The Commission and Member States shall establish a European High-Level Group of Digital Regulators in the form of an Expert Group consisting of the representatives of competent authorities of all the Member States, the Commission, relevant Union bodies and other representatives of competent authorities in specific sectors, including data protection and electronic communications.***
- 2. The group shall be composed of the heads of the relevant competent authorities and shall be assisted by a secretariat provided by the Commission.***
- 3. The work of the High-Level Group may be organised in working groups and supported by digital market technology experts.***
- 4. Rapporteurs shall be chosen from among the experts appointed by the Member States opting to take part.***
- 5. The group shall be chaired by a representative of a Member State for a period of three years.***

Or. fr

Amendment 1140
Antonius Manders, Axel Voss

Proposal for a regulation
Article 31 a (new)

Text proposed by the Commission

Amendment

Article 31 a

European Network of Digital Regulators

The Commission shall establish a European Network of Digital Regulators in the form of an Expert Group, consisting of the representatives of competent competition authorities of all the Member States and the Commission.

Or. en

Amendment 1141
Pilar del Castillo Vera

Proposal for a regulation
Article 31 a (new)

Text proposed by the Commission

Amendment

Article 31 a

31(a)3 The work of the high-level group may be organized into Expert Working Groups building cross-regulator specialist teams that provide the Commission with high level of expertise including advising the on the resolution of the complaints described in Art 7(2)(a);

Or. en

Amendment 1142
Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation
Article 31 b (new)

Text proposed by the Commission

Amendment

Article 31b

Tasks of the European High-Level Group of Digital Regulators

1. The group's tasks shall be:

(a) to set the investigation priorities each year and to provide direct guidance for the Commission in applying this

Regulation;

(b) appoint rapporteurs to lead each investigation and be in charge of reports;

(c) to facilitate cooperation and coordination between the Commission and Member States on their monitoring, investigation and enforcement actions by promoting the exchange of information and best practices about their work and decision-making principles and practices with the aim of developing a consistent regulatory approach and avoiding conflicting decisions;

(d) to guide the Commission by means of advice, opinions, analysis and expertise in monitoring compliance with this Regulation;

(e) to make recommendations to the Commission on the need to conduct market investigations under Articles 14, 15, 16 and 17;

(f) to make recommendations to the Commission on the need to update the obligations of the Regulation under Articles 5 and 6;

(g) to provide advice and expertise for the Commission in connection with the preparation of legislative proposals and policy initiatives, including under Article 38;

(h) to provide advice and expertise for the Commission in connection with the preparation of delegated acts;

(i) where necessary, to provide advice and expertise in connection with the early preparation of implementing acts before submission to the committee in accordance with Regulation (EU) No 182/2011;

(j) to keep a publicly accessible electronic register of gatekeeper designation decisions adopted by the Commission under Article 3, and;

(k) at the request of the Commission, to

provide technical advice and expertise before the adoption of a specification decision under Article 7;

(l) assess whether gatekeepers have complied with their undertakings and provide correct information in connection with their main acquisitions over the previous three years.

2. The High-Level Group of Digital Regulators shall report each year to the European Parliament on improvement of the contestability of the European digital market and the activities of digital players based in Europe. It shall make recommendations for creating jobs in Europe in digital markets.

Or. fr

Amendment 1143
Antonius Manders, Axel Voss

Proposal for a regulation
Article 31 b (new)

Text proposed by the Commission

Amendment

Article 31 b

Tasks of the European Network of Digital Regulators

The expert group shall have the following tasks:

(a) to facilitate cooperation and coordination between the Commission and Member States in their enforcement actions by promoting the exchange of information and best practices about their work and decision-making principles and practices with the aim of developing a consistent regulatory approach and avoiding conflicting decisions;

(b) to assist the Commission by means of advice, opinions, analysis and expertise in monitoring compliance with this

Regulation;

(c) to make recommendations to the Commission on the need to conduct market investigations under Articles 14, 15, Article 16 and 17;

(d) to make recommendations to the Commission on the need to update the obligations of the Regulation under Articles 5 and 6;

(e) to provide advice and expertise to the Commission in the case of acquisitions of market competitors;

(f) to provide advice and expertise to the Commission in the preparation of legislative proposals and policy initiatives including under Article 38;

(g) to provide advice and expertise to the Commission in the preparation of delegated acts;

(h) where necessary, to provide advice and expertise in the early preparation of implementing acts, before submission to the committee in accordance with Regulation (EU) N°182/2011;

(i) to maintain a publicly accessible electronic register of gatekeeper designation decisions adopted by the Commission under Article 3; and

(j) at the request of the Commission, to provide technical advice and expertise before the adoption of a specification decision under Article 7.

Or. en

**Amendment 1144
Pilar del Castillo Vera**

**Proposal for a regulation
Article 31 b (new)**

Text proposed by the Commission

Amendment

Article 31 b

31(a)4. In accordance with the implementing provisions of article 36 the Commission when carrying out its functions under Articles 6, 7, 10, 16, 17, 24 and 25 shall consult with the European High Level Group of Digital Regulators;

Or. en

Amendment 1145

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 32 – paragraph 1**

Text proposed by the Commission

1. The Commission shall be assisted by the Digital Markets Advisory Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.

Amendment

1. The Commission shall be assisted by the Digital Markets Advisory Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011. ***Each Member State shall appoint two representatives to the Committee. If the appointed representatives are unable to attend, other representatives may replace them. At least one of the representatives of a Member State shall be competent in matters of restrictive practices, abuses of dominant positions and other forms of unilateral conduct. Member States shall take all necessary measures to ensure the protection of confidential information by their representatives.***

Or. en

Amendment 1146

Andreas Schieder, Marc Angel, Maria Grapini, Alex Agius Saliba

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by the Digital Markets Advisory Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.

Amendment

1. The Commission shall be assisted by the Digital Markets Advisory Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011. ***The Member States shall ensure that social partners are represented in the Digital Markets Advisory Committee.***

Or. en

Justification

It is necessary that the interests of employees and consumers are adequately represented in the DMA.

Amendment 1147

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

1. The Commission ***shall*** be assisted by the Digital Markets Advisory Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.

Amendment

1. The Commission ***may*** be assisted by the Digital Markets Advisory Committee. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.

Or. fr

Amendment 1148

Geoffroy Didier

Proposal for a regulation

Article 32 – paragraph 4

Text proposed by the Commission

4. Where reference is made to this paragraph, Article 4 of Regulation (EU) No

Amendment

4. Where reference is made to this paragraph, Article 4 of Regulation (EU) No

182/2011 shall apply.

182/2011 shall apply.

5. The Commission shall consult with the Advisory Committee before making a decision under this by-law.

6. The consultation may take place at a meeting convened and chaired by the Commission, which shall be held not earlier than fourteen days after the notice of the meeting is sent, together with a statement of the case, an indication of the most important documents and a preliminary draft decision. Where the Commission sends the notice of a meeting within less than fourteen days, the meeting may take place on the proposed date if no Member State raises an objection. The Advisory Committee shall deliver a written opinion on the Commission's preliminary draft decision. It may issue an opinion even if members are absent and not represented. At the request of one or more members, the positions expressed in the opinion shall be substantiated.

7. The consultation may also be carried out by means of a written procedure. However, the Commission shall organize a meeting if a Member State so requests. Where the written procedure is used, the Commission shall set a time limit of at least 14 days for Member States to submit their comments and forward them to all other Member States. Where the Commission sets a time limit for the written procedure of less than 14 days, the proposed time limit shall apply if no Member State raises an objection.

8. The Commission shall take the utmost account of the opinion of the Advisory Committee. It shall inform the Advisory Committee of the manner in which it has taken account of its opinion.

9. If the opinion of the Advisory Committee is in writing, it shall be attached to the draft decision. If the Advisory Committee recommends publication, the Commission shall

proceed with such publication taking into account the legitimate interest of the enterprises in the protection of their business secrets.

10. At the request of an authority of a Member State, the Commission shall place on the agenda of the Advisory Committee cases which are dealt with by a national authority under the Regulation. The Commission may also make such an entry on its own initiative. In both cases, the Commission shall inform the national authority concerned. An authority of a Member State may in particular submit a request concerning a case in which the Commission intends to initiate proceedings under this Regulation. The Advisory Committee shall not give opinions on cases dealt with by Member States' authorities. It may also discuss general questions of European Union law.

Or. en

Amendment 1149

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 32 a (new)**

Text proposed by the Commission

Amendment

Article 32 a

Coordination with Member States

1. In accordance with the principles laid down in Article 1, the Commission shall be the sole decision maker on the correct application of this Regulation. To ensure effective enforceability and coherent implementation, the Commission shall be supported in every possible way by the expertise of the competent national

competition authorities.

2. The Commission may, therefore, ask competent national competition authorities to support any of its market investigations pursuant to this Regulation. However, competent national competition authorities shall not take decisions which run counter to a decision adopted by the Commission.

3. To this end, the Commission shall apply the provisions of this Regulation in close cooperation with the competent national competition authorities, acting within the European Competition Network as defined at point (5) of Article 2 of Directive (EU) 2019/1, in accordance with the provisions of this Article. It shall, in particular and as appropriate, make use of the European Competition Network System referred to in Article 33 of that Directive for the exchange of information.

4. Within this framework, the competent national competition authorities shall perform – inter alia – the following tasks:

(a) synchronize national implementation, ensure that decisions based on this Regulation are coherent with related regulations and support the Commission in technical enforcement matters;

(b) gather market intelligence on the ground and coordinate data collection and monitoring throughout the internal market including on enforcement, emerging gatekeepers, and technological trends;

(c) submit complaints from business users, competitors and end-users as provided for in Article 21a to the Commission and raise awareness of specific concerns or issues emerging at national level;

(d) at the request of the Commission, cooperate in the application of Articles 12, 15, 16 and 17 and otherwise assist the Commission in investigations. In this regard, the competent national

competition authorities shall be entitled to exercise, mutatis mutandis, the following powers of the Commission:

(i) requests for information as set out in Article 19

(ii) power to carry out interviews and take statements as set out in Article 20; and

(iii) powers to conduct on-site inspections as set out in Article 21;

(e) make recommendations to the Commission on the update of obligations under Articles 5 and 6 and advise the Commission in the preparation of delegated acts according to Article 10;

(f) monitor the international context, generate knowledge on the developments outside the Union and share enforcement experience.

5. Member States shall ensure that their competent national competition authorities have the human, financial and technical resources that are necessary for the effective performance of their duties and exercise of their powers when applying Articles 101 and 102 TFEU as defined in paragraph 2 of this Article;

6. The Commission and the competent national competition authorities enforcing the rules referred to in Article 1(6) shall have the power to provide each other with any matter of fact or of law, including confidential information. The information supplied to the Commission may be made available to the competent national competition authorities of other Member States. The competent national competition authorities may also exchange between themselves information necessary for the assessment of a case that they are dealing with under this Regulation.

7. The competent national competition authorities shall, when acting pursuant to paragraph 3, inform the Commission in writing of the first formal investigative

measure, before or immediately after the start of such measure. This information may also be made available to the competent national competition authorities of the other Member States.

Or. en

Amendment 1150
Antonius Manders, Axel Voss

Proposal for a regulation
Article 32 a (new)

Text proposed by the Commission

Amendment

Article 32 a

- 1. The Commission and the competition authorities of the Member States shall cooperate closely to ensure that markets in which gatekeepers operate are and remain contestable and fair.*
- 2. The Commission shall provide the competition authorities of the Member States with a copy of the main documents it has collected on the application of Articles 3, 4, 7 to 10, 15, 16, 18 and 22 to 27. The Commission shall, upon request, transmit to the competition authority of a Member State a copy of other existing documents necessary for the assessment of the case.*
- 3. For the purposes of cooperation in the application of this Regulation and Articles 101 and 102 of the Treaty on the Functioning of the European Union, the Commission and the competition authorities of the Member States shall have the power to communicate to each other factual or legal circumstances, including confidential information, and to use such information as evidence. The information exchanged shall be used as evidence only for the purpose of applying Article 101 or 102 of the Treaty on the Functioning of the European Union and*

in relation to an object of investigation under this Regulation.

4. The competition authorities of the Member States may consult the Commission on any case involving the application of the competition rules of Union law to gatekeepers.

Or. en

Amendment 1151

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

Proposal for a regulation
Article 32 a (new)

Text proposed by the Commission

Amendment

Article 32 a

Role of national competent authorities and coordination by the Commission

1. Member State shall designate a competent authority to monitor compliance with obligations laid down in this Regulation and report regularly to the Commission on compliance with this Regulation.

2. National competent authorities may provide, under the coordination of the Commission, support to a market investigation or proceeding pursuant to Article 7(2), 15, 16, 17, 19, 20 by collecting information and providing expertise or by collecting complaints to be transferred to the Commission.

3. When collecting sufficient evidence for designation of a gatekeeper, non-compliance with the obligations laid down in Articles 5 and 6 or need to add new obligations, national competent authorities shall request the opening of a market investigation in accordance with Article 33.

Amendment 1152

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 33 – title

Text proposed by the Commission

Amendment

Request for a market investigation

Request for a market investigation **and non-compliance proceedings**

Amendment 1153

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

Amendment

1. When three or more Member States request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that **a provider of** core platform services should be designated as a gatekeeper, the Commission shall within **four** months examine whether there are reasonable grounds to open such an investigation.

1. When three or more Member States **or any legal person who can show a legitimate interest**, request the Commission to open an investigation pursuant to Article 15, **16 or 17** because they consider that there are reasonable grounds to suspect that :

(a) a core platform services **provider** should be designated as a gatekeeper, **or**

(b) a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), or

(c) one or more services should be added

*to the list of core platform services, or
(d) types of practices that may limit the
contestability of core platform services or
may be unfair are not effectively
addressed by this Regulation,*

the Commission shall within *three* months
examine whether there are reasonable
grounds to open such an investigation *and
shall give reasons for its decision not to
open an investigation.*

Or. en

Amendment 1154

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 33 – paragraph 1

Text proposed by the Commission

1. When three or more Member States request the Commission to open an investigation pursuant to Article **15** because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the Commission shall **within** four months examine whether there are reasonable grounds to open such an investigation.

Amendment

1. When three or more Member States request the Commission to open an investigation pursuant to **Articles 15, 16 and 17 or institute proceedings in respect of possible non-compliance pursuant to Article 25** because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, **that a gatekeeper is not complying with its obligations as laid down in Articles 5 and 6, that one or more services within the digital sector should be added to the list of core platform services pursuant to point (2) of Article 2 or that there are reasonable grounds to suspect that one or several types of practices are not effectively addressed by this Regulation and can limit the contestability of core platform services or can be unfair**, the Commission shall **as soon as possible, and in any case no later than** four months examine whether there are reasonable

grounds to open such an investigation.

Or. en

Amendment 1155

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 33 – paragraph 1

Text proposed by the Commission

1. When **three** or more Member States request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the Commission shall within **four** months examine whether there are reasonable grounds to open such an investigation.

Amendment

1. When **one** or more **designated authorities of the** Member States request the Commission to open an investigation pursuant to Article 15, **16 or 17** because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper **that there are new core platform services and practices to be added, or that there is a situation of (systemic) non-compliance**, the Commission shall within **three** months examine whether there are reasonable grounds to open such an investigation. **If the Commission decides not to open an investigation, the Commission shall publish the respective reasons.**

Or. en

Amendment 1156

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

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

1. When **three** or more Member States request the Commission to open an

Amendment

1. When **one** or more Member States request the Commission to open an

investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation.

investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation **and adopt a decision. In case the Commission decides that there is no grounds for opening a market investigation, it shall publish a reasoned opinion.**

Or. en

Amendment 1157

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

1. When three or more Member States request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation.

Amendment

1. When three or more Member States request the Commission to open an investigation pursuant to Article 15, **16 and 17** because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, **does not comply with this regulation or its new services and practices need to be examined**, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation.

Or. en

Amendment 1158

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation Article 33 – paragraph 1

Text proposed by the Commission

Amendment

1. ***When three*** or more Member States request the Commission to open an investigation pursuant to Article 15 ***because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the Commission shall within four months examine*** whether there are reasonable grounds to open ***such an*** investigation.

1. ***Where one*** or more Member States ***or the European High-Level Group of Digital Regulators*** request the Commission to open an investigation pursuant to Article 15, ***16, 17 or 25, the Commission shall open a preliminary investigation and examine within three months, in close cooperation with the European High-Level Group of Digital Regulators and the Member State or States concerned,*** whether there are reasonable grounds to open ***an in-depth*** investigation.

Or. fr

Amendment 1159
Geoffroy Didier

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

Amendment

1. When three or more Member States request the Commission to open an investigation pursuant to ***Article 15*** because they consider that there are reasonable grounds to suspect that ***a provider of core platform services should be designated as a gatekeeper, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation.***

1. When three or more Member States ***or organisations and associations that have a legitimate interest in representing business users or consumers*** request the Commission to open an investigation pursuant to ***Articles 15, 16 or 17*** because they consider that there are reasonable grounds to suspect that.

Or. en

Justification

The DMA introduces a mechanism that would enable the European Commission to carry out market investigations for designating gatekeepers (article 15), in case of systematic non-compliance (article 16), and to investigate new services or practices that are not covered by the Regulation (article 17). However, the proposal only allows Member States to request a market investigation. It does not foresee how interested stakeholders, especially business users and consumer associations, can request the Commission to initiate a market

investigation and participate in the process. Given that business users and consumer associations know how the market works and become aware of (and subject to) harmful platform practices, they should be in the position to submit such a request to the Commission provided they submit evidence to substantiate their request. In other areas, such as competition law, affected competitors (or business users) and consumer associations can bring a complaint to the competition authority in charge and/or participate in the decision-making process leading to the establishment of obligations for the firm(s) under investigation (market-testing of commitments).

Amendment 1160

Dita Charanzová

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

1. When **three** or more Member States request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation.

Amendment

1. When **one** or more Member States request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation.

Or. en

Amendment 1161

Adam Bielan, Kosma Zlotowski

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

1. When **three** or more Member States request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the

Amendment

1. When **two** or more Member States request the Commission to open an investigation pursuant to Article 15 because they consider that there are reasonable grounds to suspect that a provider of core platform services should be designated as a gatekeeper, the

Commission shall within four months examine whether there are reasonable grounds to open such an investigation.

Commission shall within four months examine whether there are reasonable grounds to open such an investigation.

Or. en

Amendment 1162

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

Proposal for a regulation

Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. When one or more Member States request the Commission to open an investigation pursuant to Article 16 because they consider that there are reasonable grounds to suspect that a provider of core platform services fails to comply with its obligations under Article 5 and 6, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation and adopt a decision. In case the Commission decides that there is no grounds for opening a market investigation, it shall publish a reasoned opinion

Or. en

Amendment 1163

Geoffroy Didier

Proposal for a regulation

Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. a provider of core platform services should be designated as a gatekeeper, or

Amendment 1164

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

Proposal for a regulation

Article 33 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. When one or more Member States request the Commission to open an investigation pursuant to Article 17 because they consider that there are reasonable grounds to request new services or practices to fall under the scope of this Regulation, the Commission shall within four months examine whether there are reasonable grounds to open such an investigation and adopt a decision. In case the Commission decides there is no grounds for opening a market investigation, it shall publish a reasoned opinion.

Or. en

Amendment 1165

Geoffroy Didier

Proposal for a regulation

Article 33 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. a gatekeeper has systematically infringed the obligations laid down in Articles 5 and 6 and has further strengthened or extended its gatekeeper position in relation to the characteristics under Article 3(1), or

Or. en

Amendment 1166
Geoffroy Didier

Proposal for a regulation
Article 33 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. one or more services within the digital sector should be added to the list of core platform services, or

Or. en

Amendment 1167
Geoffroy Didier

Proposal for a regulation
Article 33 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. types of practices that may limit the contestability of core platform services or may be unfair are not effectively addressed by this Regulation,

Or. en

Amendment 1168
Geoffroy Didier

Proposal for a regulation
Article 33 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. the Commission shall within four months examine whether there are reasonable grounds to open such an investigation. The Commission shall give reasons for its decision not to open an investigation.

Amendment 1169

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 33 – paragraph 2

Text proposed by the Commission

2. Member States shall *submit evidence in support of their request.*

Amendment

2. *For businesses, SMEs and consumers*, Member States shall *designate an ambassador who can relay their complaints to gatekeepers and bring about rapid resolution of disagreements or refer them to the High-Level Group and the Commission, in the case of irregular practices, for more in-depth investigation and possible damages equivalent to three times the loss concerned.*

Or. fr

Amendment 1170

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 33 – paragraph 2

Text proposed by the Commission

2. Member States shall submit evidence in support of their request.

Amendment

2. Member States shall submit evidence in support of their request. *Such evidence provided by competent national authorities shall notably include information allowing to determine the fairness of general access conditions to core platform services, including as regards revenue streams deriving from advertisement, and the distribution of appropriate shares of revenues to third party right holders.*

Amendment 1171

Petra Kammerevert, Christel Schaldemose, Evelyne Gebhardt, Sylvie Guillaume

Proposal for a regulation

Article 33 – paragraph 2

Text proposed by the Commission

2. *Member States* shall submit evidence in support of their request.

Amendment

2. *Any party submitting a request for a market investigation* shall submit evidence in support of their request.

Amendment 1172

Geoffroy Didier

Proposal for a regulation

Article 33 – paragraph 2

Text proposed by the Commission

2. *Member States* shall submit evidence in support of their request.

Amendment

2. *Those submitting a request for a market investigation* shall submit evidence in support of their request.

Amendment 1173

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 33 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. 3. For the effective enforcement of this Regulation, Directive (EU) 2019/1937 of the Parliament and of the Council on the protection of persons who report breaches of Union law shall apply. To this end, persons pursuant to Article 4 of

Directive (EU) 2019/1937 shall be encouraged to report breaches of Union law to a competent national authority, which shall transmit it to the Commission and the Digital Markets Advisory Committee. The reported transgression shall be assessed and enforced within three months of transmission to the Commission and the Digital Market Advisory Committee.

Or. en

Amendment 1174
Andreas Schwab

Proposal for a regulation
Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

Cooperation and coordination with national bodies

1. The Commission and Member States shall work in close cooperation and coordinate their enforcement actions to ensure coherent, effective and complementary enforcement of available legal instruments applied to gatekeepers within the meaning of this Regulation.

2. National authorities including national courts shall not take decisions which run counter to a decision adopted by the Commission under this Regulation.

3. The Commission and the competent authorities of the Member States enforcing the rules referred to in Article 1(6) shall have the power to provide one another with any matter of fact or of law, including confidential information.

4. Information exchanged pursuant to paragraph 3 shall only be exchanged and used for the purpose of coordination of the enforcement of this Regulation and

the rules referred to in Article 1(6).

5. The competent authorities of the Member States enforcing the rules referred to in Article 1(6) may consult the Commission on any matter relating to the application of this Regulation.

Or. en

Amendment 1175

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

Proposal for a regulation

Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

Right to lodge complaints

1. Third parties representing business users or end users shall be entitled to lodge complaints with regard to the non-designation of gatekeepers and non-compliance by gatekeepers with their obligations in accordance with Article 3, 5 and 6 and request the opening of a market investigation pursuant to Article 15, 16, 17. They shall submit evidence in support of their request.

2. The Commission shall examine whether there are reasonable grounds to open such an investigation and inform the interested third parties of its decision within three months.

Or. en

Amendment 1176

Evelyne Gebhardt, Alex Agius Saliba, 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 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

In the Annex I to Directive (EU) 2020/1828 of the European Parliament and of the Council (3), the following point is added:

Regulation (EU) 20XX/XXXX of the European Parliament and of the Council of DD MMM YYYY on contestable and fair markets in the digital sector.

Or. en

Amendment 1177
Geoffroy Didier

Proposal for a regulation
Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

Jurisdiction of national courts

National courts shall have jurisdiction to apply this Regulation.

Or. en

Amendment 1178
Geoffroy Didier

Proposal for a regulation
Article 33 b (new)

Text proposed by the Commission

Amendment

Article 33 b

Cooperation with national jurisdictions

1. In proceedings for the application of this Regulation, the courts of the Member States may request the Commission to provide them with information in its possession or an opinion on questions relating to the application of European Union rules.

2. Member States shall transmit to the Commission a copy of any written judgment given by national courts deciding on the application of this Regulation. This copy shall be transmitted without delay when the complete judgment is notified in writing to the parties.

3. The authorities of the Member States, acting on their own initiative, may submit written observations to the courts of their respective Member States concerning the application of this Regulation. With the permission of the court in question, they may also submit oral observations. Where the consistent application of this Regulation so requires, the Commission, acting on its own initiative, may submit written observations to the courts of the Member States. With the permission of the court in question, it may also submit oral observations. In order to enable them to prepare their observations, and for this purpose only, the authorities of the Member States and the Commission may request the competent court of the Member State to forward to them, or to have forwarded to them, any document necessary for the assessment of the case.

4. This Article is without prejudice to the wider powers of the authorities of the Member States under national law to submit observations to the courts.

Or. en

Amendment 1179

Marcel Kolaja, Kim Van Sparrentak, Rasmus Andresen

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 33 b (new)

Text proposed by the Commission

Amendment

Article 33 b

Amendment to Directive (EU) 2020/1828

The following point is added to the Annex I of Directive (EU) 2020/1828:

'(67)Regulation (EU) 20XX/XXXX of the European Parliament and of the Council on contestable and fair markets in the digital sectors'

Or. en

Amendment 1180
Geoffroy Didier

Proposal for a regulation
Article 33 c (new)

Text proposed by the Commission

Amendment

Article 33 c

Uniform application of European Union law

1. Where national courts rule on practices covered by this Regulation which are already the subject of a Commission decision, they may not take decisions which would run counter to the decision adopted by the Commission. They must also avoid taking decisions which would run counter to the decision envisaged in proceedings brought by the Commission. To this end, the national court may assess whether it is necessary to suspend its proceedings. This obligation is without prejudice to the rights and obligations under Article 267 TFEU.

2. Where the competition authorities of the Member States decide on practices

covered by this Regulation which are already the subject of a Commission decision, they may not take decisions which would run counter to the decision adopted by the Commission.

Or. en

Amendment 1181

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

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

Text proposed by the Commission

1. The Commission shall publish the decisions which it takes pursuant to Articles 3, 7, 8, 9, 15, 16, 17, 22, 23(1), 25, 26 **and 27**. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed.

Amendment

1. The Commission shall publish the decisions which it takes pursuant to Articles 3, 7, 8, 9, 15, 16, 17, **18**, 22, 23(1), 25, 26, **27, 33, and 33(a)**. Such publication shall state the names of the parties and the main content of the decision, including any penalties imposed, **and a report stating the grounds for such a decision.**

Or. en

Amendment 1182

Martin Schirdewan, Anne-Sophie Pelletier

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

Text proposed by the Commission

Amendment

2a. Meetings between representatives of gatekeepers and members of the Digital Market Advisory Committee and the Commission shall be registered and published monthly in line with the EU transparency register. To this end, the registration in the EU transparency register shall be mandatory for gatekeepers, undertakings and

associations of undertakings pursuant to Article 3(1) of this Regulation.

Or. en

Amendment 1183

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 36 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission may adopt implementing acts concerning: 3, 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30

Amendment

1. The Commission may adopt implementing acts concerning **articles**: 3, 6, 12, 13, 15, 16, 17, 20, 22, 23, 25 and 30 **with respect to:**

Or. en

Amendment 1184

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 36 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) further specification of accessibility requirements of point (m - new) of Article 6.

Or. en

Amendment 1185

Alex Agius Saliba, Marc Angel, Sylvie Guillaume, Maria Grapini, Brando Benifei

Proposal for a regulation

Article 36 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) further specification of accessibility requirements pursuant point (l - new) of Article 6(1).

Or. en

Justification

Given the evolving nature of digital technologies and consumer habit trends, the Commission should have the possibility to further specify accessibility requirements for gatekeeping services if such need arises in the future.

Amendment 1186
Pilar del Castillo Vera

Proposal for a regulation
Article 36 – paragraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(ha) the procedure to be adopted on how the Commission shall consult the High Level Group of Digital Regulators in the performance of its functions under Article 6, 7, 10,16, 17, 24 and 25

Or. en

Amendment 1187
Adam Bielan, Eugen Jurzyca, Kosma Złotowski

Proposal for a regulation
Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts

referred to in Articles 3(6) and 9(1) shall be conferred on the Commission for a period of five years from DD/MM/YYYY. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 3(6) and 9(1) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 3(6) and 9(1) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at

*the initiative of the European Parliament
or of the Council.*

Or. en

Amendment 1188

Virginie Joron, Markus Buchheit, Jean-Lin Lacapelle

Proposal for a regulation

Article 38 – paragraph 1

Text proposed by the Commission

1. By DD/MM/YYYY, and subsequently every **three** years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Amendment

1. By DD/MM/YYYY, and subsequently every **two** years, the Commission shall evaluate this Regulation and report to the European Parliament, the Council and the European Economic and Social Committee.

Or. fr

Amendment 1189

Deirdre Clune

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission

2. The evaluations shall **establish whether additional rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.**

Amendment

2. The evaluations shall;

Or. en

Justification

To fully future proof the Regulation, both the potential to rectify both under and over-regulation must form part of the scope of the Review Clause. The legal and evidentiary basis for certain obligations outlined in Articles 5 and 6 is still emerging. The Review clause needs to fully recognise this and to acknowledge the fact there may be countervailing benefits associated with such behaviour and pro-competitive justifications need to be part of the Review.

Amendment 1190

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

Proposal for a regulation Article 38 – paragraph 2

Text proposed by the Commission

2. The evaluations shall establish whether additional rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets ***across the Union*** are contestable and fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.

Amendment

2. The evaluations shall establish whether additional rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets are contestable and fair ***and to what extent this Regulation is helping to develop the European digital market***. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.

Or. fr

Amendment 1191

Arba Kokalari

Proposal for a regulation Article 38 – paragraph 2

Text proposed by the Commission

2. The evaluations shall establish whether additional rules, including regarding the list of core platform services laid down in point 2 of Article 2, the

Amendment

2. The evaluations shall establish whether additional rules, including regarding the list of core platform services laid down in point 2 of Article 2, ***the***

obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.

thresholds for designation of gatekeepers laid down in Article 3, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.

Or. en

Amendment 1192

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 38 – paragraph 2

Text proposed by the Commission

2. The evaluations shall establish whether additional rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.

Amendment

2. The evaluations shall establish whether ***inclusion of*** additional rules ***or deletion of the existing ones***, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.

Or. en

Amendment 1193

Adam Bielan, Eugen Jurzyca, Kosma Złotowski

Proposal for a regulation Article 38 – paragraph 2

Text proposed by the Commission

Amendment

2. The evaluations shall establish whether **additional** rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.

2. The evaluations shall establish whether **a revision to the rules contained herein**, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair. Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.

Or. en

Amendment 1194
Deirdre Clune

Proposal for a regulation
Article 38 – paragraph 2 – point a (new)

Text proposed by the Commission

Amendment

(a) establish whether it is required to modify, add or remove rules, including regarding the list of core platform services laid down in point 2 of Article 2, the obligations laid down in Articles 5 and 6 and their enforcement, may be required to ensure that digital markets across the Union are contestable and fair;

Or. en

Justification

To fully future proof the Regulation, both the potential to rectify both under and over-regulation must form part of the scope of the Review Clause. The legal and evidentiary basis for certain obligations outlined in Articles 5 and 6 is still emerging. The Review clause needs to fully recognise this and to acknowledge the fact there may be countervailing benefits associated with such behaviour and pro-competitive justifications need to be part of the Review.

Amendment 1195
Deirdre Clune

Proposal for a regulation
Article 38 – paragraph 2 – point b (new)

Text proposed by the Commission

Amendment

(b) consider relevant legal, regulatory and enforcement developments in digital markets; and;

Or. en

Justification

To fully future proof the Regulation, both the potential to rectify both under and over-regulation must form part of the scope of the Review Clause. The legal and evidentiary basis for certain obligations outlined in Articles 5 and 6 is still emerging. The Review clause needs to fully recognise this and to acknowledge the fact there may be countervailing benefits associated with such behaviour and pro-competitive justifications need to be part of the Review.

Amendment 1196
Deirdre Clune

Proposal for a regulation
Article 38 – paragraph 2 – point c (new)

Text proposed by the Commission

Amendment

(c) the existence of countervailing benefits from the obligations laid down in Articles 5 and 6.

Or. en

Justification

To fully future proof the Regulation, both the potential to rectify both under and over-regulation must form part of the scope of the Review Clause. The legal and evidentiary basis for certain obligations outlined in Articles 5 and 6 is still emerging. The Review clause needs to fully recognise this and to acknowledge the fact there may be countervailing benefits associated with such behaviour and pro-competitive justifications need to be part of the Review.

Amendment 1197
Deirdre Clune

Proposal for a regulation
Article 38 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

Following the evaluations, the Commission shall take appropriate measures, which may include legislative proposals.

Or. en

Justification

To fully future proof the Regulation, both the potential to rectify both under and over-regulation must form part of the scope of the Review Clause. The legal and evidentiary basis for certain obligations outlined in Articles 5 and 6 is still emerging. The Review clause needs to fully recognise this and to acknowledge the fact there may be countervailing benefits associated with such behaviour and pro-competitive justifications need to be part of the Review.

Amendment 1198

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

Proposal for a regulation
Article 38 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall provide any relevant information they have that the Commission may require for the purposes of drawing up the report referred to in paragraph 1.

3. Member States shall provide any relevant information they have that the Commission may require for the purposes of drawing up the report referred to in paragraph 1. ***Among such information, data allowing to determine the fairness of general access conditions to platform services should be examined, including as regards revenue streams deriving from advertisement, and the distribution of appropriate share of revenues to third party right holders.***

Or. en

Amendment 1199

Martin Schirdewan, Anne-Sophie Pelletier

Proposal for a regulation

Article 39 – paragraph 2 – introductory part

Text proposed by the Commission

2. This Regulation shall apply from **six** months after its entry into force.

Amendment

2. This Regulation shall apply from **three** months after its entry into force.

Or. en