



2020/0374(COD)

30.4.2021

DRAFT OPINION

of the Committee on Transport and Tourism

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council
on contestable and fair markets in the digital sector (Digital Markets Act)
(COM(2020)0842 – C9-0000/2020 – 2020/0374(COD))

Rapporteur for opinion: Markus Ferber

PA_Legam

AMENDMENTS

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

Amendment 1

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Weak contestability and unfair practices in the digital sector are more frequent and pronounced for certain digital services than for others. This is the case in particular for widespread and commonly used digital services that mostly directly intermediate between business users and end users and where features such as extreme scale economies, very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, lock-in effects, a lack of multi-homing or vertical integration are the most prevalent. Often, there is only one or very few large providers of those digital services. These providers of core platform services have emerged most frequently as gatekeepers for business users and end users with far-reaching impacts, gaining the ability to easily set commercial conditions and terms in a unilateral and detrimental manner for their business users and end users. Accordingly, it is necessary to focus only on those digital services that are most broadly used by business users and end users and where, based on current market conditions, concerns about weak contestability and unfair practices by gatekeepers are more apparent and pressing from an internal market perspective.

Amendment

(12) Weak contestability and unfair practices in the digital sector are more frequent and pronounced for certain digital services than for others. This is the case in particular for widespread and commonly used digital services that mostly directly intermediate between business users and end users and where features such as extreme scale economies, very strong network effects, an ability to connect many business users with many end users through the multi-sidedness of these services, lock-in effects, a lack of multi-homing or vertical integration are the most prevalent. Often, there is only one or very few large providers of those digital services. ***This situation produces restrictions, in particular on SMEs in the tourism and hospitality sector, where intermediaries have a dominant market position.*** These providers of core platform services have emerged most frequently as gatekeepers for business users and end users with far-reaching impacts, gaining the ability to easily set commercial conditions and terms in a unilateral and detrimental manner for their business users and end users. Accordingly, it is necessary to focus only on those digital services that are most broadly used by business users and end users and where, based on current market conditions, concerns about weak contestability and unfair practices by gatekeepers are more apparent and pressing from an internal market perspective.

Amendment 2

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) A very significant turnover in the Union **and the provision of a core platform service in at least three Member States constitute compelling indications** that the provider of a core platform service has a significant impact on the internal market. **This is equally true where a provider of a core platform service in at least three Member States has a very significant market capitalisation or equivalent fair market value.** Therefore, a provider of a core platform service should be presumed to have a significant impact on the internal market **where it provides a core platform service in at least three Member States and** where either its group turnover realised in the EEA is equal to or exceeds a specific, high threshold or the market capitalisation of the group is equal to or exceeds a certain high absolute value. For providers of core platform services that belong to undertakings that are not publicly listed, the equivalent fair market value above a certain high absolute value should be referred to. The Commission should use its power to adopt delegated acts to develop an objective methodology to calculate that value. A high EEA group turnover in conjunction with the threshold of users in the Union of core platform services reflects a relatively strong ability to monetise these users. A high market capitalisation relative to the same threshold number of users in the Union reflects a relatively significant potential to monetise these users in the near future. This monetisation potential in turn reflects in principle the gateway position of the

Amendment

(17) A very significant turnover in the Union **constitutes a compelling indication** that the provider of a core platform service has a significant impact on the internal market, **or a significant sector thereof.** Therefore, a provider of a core platform service should be presumed to have a significant impact on the internal market, **or a significant sector thereof** where either its group turnover realised in the EEA is equal to or exceeds a specific, high threshold or the market capitalisation of the group is equal to or exceeds a certain high absolute value. For providers of core platform services that belong to undertakings that are not publicly listed, the equivalent fair market value above a certain high absolute value should be referred to. The Commission should use its power to adopt delegated acts to develop an objective methodology to calculate that value. A high EEA group turnover in conjunction with the threshold of users in the Union of core platform services reflects a relatively strong ability to monetise these users. A high market capitalisation relative to the same threshold number of users in the Union reflects a relatively significant potential to monetise these users in the near future. This monetisation potential in turn reflects in principle the gateway position of the undertakings concerned. Both indicators are in addition reflective of their financial capacity, including their ability to leverage their access to financial markets to reinforce their position. This may for example happen where this superior access is used to acquire other undertakings,

undertakings concerned. Both indicators are in addition reflective of their financial capacity, including their ability to leverage their access to financial markets to reinforce their position. This may for example happen where this superior access is used to acquire other undertakings, which ability has in turn been shown to have potential negative effects on innovation. Market capitalisation can also be reflective of the expected future position and effect on the internal market of the providers concerned, notwithstanding a potentially relatively low current turnover. The market capitalisation value can be based on a level that reflects the average market capitalisation of the largest publicly listed undertakings in the Union over an appropriate period.

which ability has in turn been shown to have potential negative effects on innovation. Market capitalisation can also be reflective of the expected future position and effect on the internal market of the providers concerned, notwithstanding a potentially relatively low current turnover. The market capitalisation value can be based on a level that reflects the average market capitalisation of the largest publicly listed undertakings in the Union over an appropriate period.

Or. en

Amendment 3

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) An entrenched and durable position in its operations or the foreseeability of achieving such a position future occurs notably where the contestability of the position of the provider of the core platform service is limited. This is likely to be the case where that provider has provided a core platform service ***in at least three Member States*** to a very high number of business users and end users during at least ***three*** years.

Amendment

(21) An entrenched and durable position in its operations or the foreseeability of achieving such a position future occurs notably where the contestability of the position of the provider of the core platform service is limited. This is likely to be the case where that provider has provided a core platform service to a very high number of business users and end users during at least ***two*** years.

Or. en

Amendment 4

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) To ensure the effectiveness of the review of gatekeeper status as well as the possibility to adjust the list of core platform services provided by a gatekeeper, the gatekeepers should **inform** the Commission of all of their intended **and concluded** acquisitions of other providers of core platform services or any other services provided within the digital sector. Such information **should not only** serve the review process mentioned above, regarding the status of individual gatekeepers, **but will also** provide information that is crucial to monitoring broader contestability trends in the digital sector and can therefore be a useful factor for consideration in the context of the market investigations foreseen by this Regulation.

Amendment

(31) **Considering the essential role that data has on competition, a specific procedure should be introduced for intended concentrations 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 via the digital sector.** To ensure **that the competitiveness in the internal market is not distorted**, the effectiveness of the review of gatekeeper status as well as the possibility to adjust the list of core platform services provided by a gatekeeper, the gatekeepers should **therefore notify** the Commission of all of their intended acquisitions of other providers of core platform services or any other services provided within the digital sector. Such **intended concentrations should therefore not only be notified, but explicitly cleared by the Commission. The notification of such concentrations should therefore be subject to the merger control procedure provided for in Regulation (EC) No139/2004.** Such information **would also** serve the review process mentioned above, regarding the status of individual gatekeepers **and** provide information that is crucial to monitoring broader contestability trends in the digital sector and can therefore be a useful factor for consideration in the context of the market investigations foreseen by this Regulation.

Or. en

Amendment 5

Proposal for a regulation Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) Given the dynamically changing digital environment, it is important that this Regulation is designed in such a way as to be able to respond to future developments, including in the transport sector, where so-called ‘Super-Apps’ could provide digital through-ticketing across all transport-modes, and where future progress in automation solutions will raise questions on the gathering, storage and use of data.

Or. en

Amendment 6

Proposal for a regulation Recital 66

Text proposed by the Commission

Amendment

(66) In the event that gatekeepers engage in behaviour that is unfair or that limits the contestability of the core platform services that are already designated under this Regulation but without these behaviours being explicitly covered by the obligations, the Commission should be able to update this Regulation through delegated acts. Such updates by way of delegated act should be subject to the same investigatory standard and therefore following a market investigation. The Commission should also apply a predefined standard in identifying such behaviours. This legal standard should ensure that the type of obligations that gatekeepers may at any time face under this Regulation are sufficiently predictable.

deleted

Amendment 7**Proposal for a regulation****Recital 77***Text proposed by the Commission*

(77) The advisory committee established in accordance with Regulation (EU) No 182//2011 should also deliver opinions on certain individual decisions of the Commission issued under this Regulation. In order to ensure contestable and fair markets in the digital sector across the Union where gatekeepers are present, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect of the methodology for determining the quantitative thresholds for designation of gatekeepers under this Regulation **and in respect of the update of the obligations laid down in this Regulation where, based on a market investigation the Commission has identified the need for updating the obligations addressing practices that limit the contestability of core platform services or are unfair**. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016³⁶. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment

(77) The advisory committee established in accordance with Regulation (EU) No 182//2011 should also deliver opinions on certain individual decisions of the Commission issued under this Regulation. ***When composing the advisory committee, Member States shall also consider including the opinions of stakeholders, such as small and medium-sized enterprises (SMEs), consumer protection experts and competent associations.*** In order to ensure contestable and fair markets in the digital sector across the Union where gatekeepers are present, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement this Regulation. In particular, delegated acts should be adopted in respect of the methodology for determining the quantitative thresholds for designation of gatekeepers under this Regulation. It is of particular importance that the Commission carries out appropriate consultations and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016³⁶. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

³⁶ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p.1).

³⁶ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p.1).

Or. en

Amendment 8

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) the requirement in paragraph 1 point (a) where the undertaking to which it belongs achieves an annual EEA turnover equal to or above EUR **6.5** billion in the last three financial years, or where the average market capitalisation or the equivalent fair market value of the undertaking to which it belongs amounted to at least EUR 65 billion in the last financial year, **and it provides a core platform service in at least three Member States**;

Amendment

(a) the requirement in paragraph 1 point (a) where the undertaking to which it belongs achieves an annual EEA turnover equal to or above EUR **5** billion in the last three financial years, or where the average market capitalisation or the equivalent fair market value of the undertaking to which it belongs amounted to at least EUR 65 billion in the last financial year;

Or. en

Amendment 9

Proposal for a regulation

Article 3 – paragraph 2 – point b – introductory part

Text proposed by the Commission

(b) the requirement in paragraph 1 point (b) where it provides a core platform service that has more than **45** million monthly active end users established or located in the Union and more than **10 000** yearly active business users established in

Amendment

(b) the requirement in paragraph 1 point (b) where it provides a core platform service that has more than **20** million monthly active end users established or located in the Union and more than **7 000** yearly active business users established in

the Union in the last financial year;

the Union in the last financial year;

Or. en

Amendment 10

Proposal for a regulation

Article 3 – paragraph 2 – point b – paragraph 1

Text proposed by the Commission

for the purpose of the first subparagraph, monthly active end users shall refer to the average number of monthly active end users throughout the ***largest part of the*** last financial year;

Amendment

for the purpose of the first subparagraph, monthly active end users shall refer to the average number of monthly active end users throughout the last financial year;

Or. en

Amendment 11

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) the requirement in paragraph 1 point (c) where the thresholds in point (b) were met in each of the last ***three*** financial years.

Amendment

(c) the requirement in paragraph 1 point (c) where the thresholds in point (b) were met in each of the last ***two*** financial years.

Or. en

Amendment 12

Proposal for a regulation

Article 3 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Where the provider of a core platform service that satisfies the quantitative thresholds of paragraph 2 fails to comply

Amendment

Where the provider of a core platform service that satisfies the quantitative thresholds of paragraph 2 fails to comply

with the investigative measures ordered by the Commission *in a significant manner* and the failure persists after the provider has been invited to comply within a reasonable time-limit and to submit observations, the Commission shall be entitled to designate that provider as a gatekeeper.

with the investigative measures ordered by the Commission and the failure persists after the provider has been invited to comply within a reasonable time-limit and to submit observations, the Commission shall be entitled to designate that provider as a gatekeeper.

Or. en

Amendment 13

Proposal for a regulation

Article 3 – paragraph 6 – subparagraph 4

Text proposed by the Commission

Where the provider of a core platform service that does not satisfy the quantitative thresholds of paragraph 2 fails to comply with the investigative measures ordered by the Commission *in a significant manner* and the failure persists after the provider has been invited to comply within a reasonable time-limit and to submit observations, the Commission shall be entitled to designate that provider as a gatekeeper based on facts available.

Amendment

Where the provider of a core platform service that does not satisfy the quantitative thresholds of paragraph 2 fails to comply with the investigative measures ordered by the Commission and the failure persists after the provider has been invited to comply within a reasonable time-limit and to submit observations, the Commission shall be entitled to designate that provider as a gatekeeper based on facts available.

Or. en

Amendment 14

Proposal for a regulation

Article 3 – paragraph 8

Text proposed by the Commission

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

Amendment

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

Amendment 15

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ga) refrain from anti-competitive behaviour.

Or. en

Amendment 16

Proposal for a regulation

Article 6 – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 17

Proposal for a regulation

Article 6 – paragraph 1 – point i

Text proposed by the Commission

Amendment

(i) provide business users, or third parties authorised by a business user, free of charge, with effective, high-quality, continuous and real-time access and use of

(i) provide business users, or third parties authorised by a business user, free of charge, with **user-friendly**, effective, high-quality, continuous and real-time

aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679; ;

access and use of aggregated or non-aggregated data, that is provided for or generated in the context of the use of the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users; for personal data, provide access and use only where directly connected with the use effectuated by the end user in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end user opts in to such sharing with a consent in the sense of the Regulation (EU) 2016/679; ;

Or. en

Amendment 18

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. ***The suspension decision shall be accompanied by a reasoned statement explaining the***

grounds for the suspension.

Or. en

Amendment 19

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, 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. ***The exemption decision shall be accompanied by a reasoned statement explaining the grounds for the exemption.***

Or. en

Amendment 20

Proposal for a regulation Article 10

Text proposed by the Commission

Article 10

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

Amendment

deleted

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 21

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

for its own services.

services.

Or. en

Amendment 22

Proposal for a regulation Article 12 – title

Text proposed by the Commission

Amendment

Obligation to inform about concentrations

Prior notification of concentrations

Or. en

Amendment 23

Proposal for a regulation Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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.

A gatekeeper shall ***notify*** 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.

Or. en

Amendment 24

Proposal for a regulation Article 12 – paragraph 1 – subparagraph 2

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 25

**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

deleted

Or. en

Amendment 26

**Proposal for a regulation
Article 24 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. The Commission shall establish and maintain a publicly accessible and user-friendly website with information on

- the number of non-compliance decisions adopted pursuant to Article 25,**
- the number of fines imposed pursuant to Article 26, and**
- the names of the companies subject to the non-compliance decisions and the fines.**

The Commission shall not publish any commercially confidential information, which may prejudice the interests of a company.

Or. en

Amendment 27

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 **30%** of its total turnover in the preceding financial year where it finds that the gatekeeper, intentionally or negligently, fails to comply with:

Or. en

Amendment 28

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 29

Proposal for a regulation

Article 26 – paragraph 4 – subparagraph 5

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 30

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 31

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 32

Proposal for a regulation Article 37 – paragraph 2

Text proposed by the Commission

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.

Amendment

2. The power to adopt delegated acts referred to in **Article 3(5)** 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.

Or. en

Amendment 33

Proposal for a regulation Article 37 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. The delegation of power referred to in **Article 3(5)** 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.

Or. en

Amendment 34

Proposal for a regulation Article 37 – paragraph 6

Text proposed by the Commission

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.

Amendment

6. A delegated act adopted pursuant to **Article 3(5)** 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 35

Proposal for a regulation Article 37 a (new)

Text proposed by the Commission

Amendment

Article 37a

Reporting

The Commission's annual report on Competition Policy shall include a chapter on the implementation of this Regulation.

Or. en

Amendment 36

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 **three years and six months after the entry into force of this Regulation**, 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.

Or. en